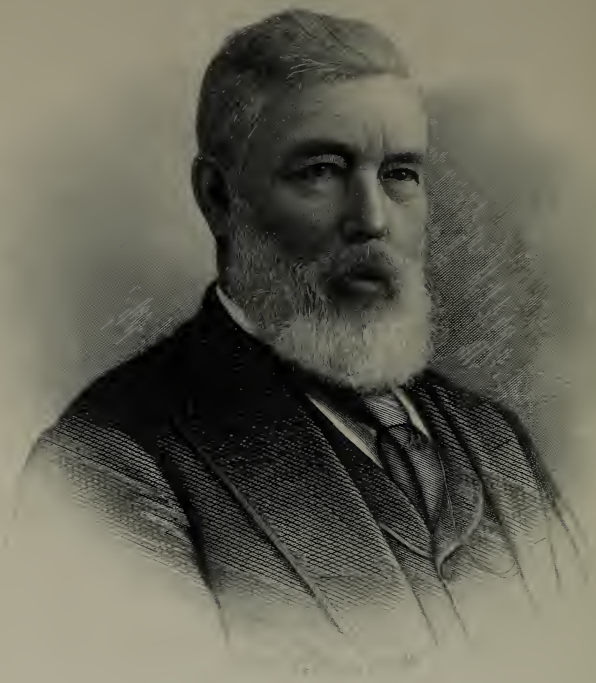

O. Jacobs

MEMOIRS

OF

ORANGE JACOBS

WRITTEN BY HIMSELF

CONTAINING MANY INTERESTING, AMUSING AND INSTRUCTIVE INCIDENTS OF A LIFE OF EIGHTY YEARS OR MORE, FIFTY-SIX YEARS OF WHICH WERE SPENT IN OREGON AND WASHINGTON.

SEATTLE, WASH.
LOWMAN & HANFORD CO.
1908

DEDICATION.

To the Pioneers of the State of Washington, whose privations nobly borne, whose heroic labors timely performed, and whose patriotic devotion to the Republic, gave Washington as a star of constantly increasing brilliancy to the Union—this book is gratefully dedicated.

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Introduction

I have often been requested by my friends to write a sketch book, containing, first, my autobiography, with some of the incidents of a life already numbering eighty years and more; secondly, some of the addresses and papers made by me as a private citizen or public official; and, thirdly, some of the impressions, solemn, ludicrous and otherwise, made upon me in my contact with all the forms of the *genus homo*, principally on the Pacific Coast, where I have resided since 1852—in Oregon for seventeen years; in Seattle, Washington, thirty-eight years, plus the dimning future.

I have finally concluded to undertake the delicate task. If it is ever completed and printed, I fondly hope its readers, if any, may be interested, if not instructed, by these extracts from a long experience of contact and conflict with the world.

I say "conflict," because every true life is a battle for financial independence, social position and the general approval of one's fellow-men.

If an autobiography could be completed by an accurate and simple statement of facts, such as one's birth, education and the prominent and distinguishing events or acts of one's career, it would be a comparatively easy task. But, even then, too great modesty might incline to dim the lustre of the paramount facts, or to narrow their beneficence; while a dominating

egotism might overstate their merits and extent, and exaggerate their beneficial results. Both of these are to be avoided. But where is the man so calm, so dispassionate and discriminating as to avoid the engulfing breakers on either hand? If there could be an impartial statement of the facts I have suggested, still they would be but a veil encompassing the real man. The true man would but dimly appear by implication. Character, that invisible entity, like the soul, constitutes the true man. Any biography that does not develop the traits, the qualities, of this invisible entity is of no value. Character is complex and compound. It consists of those tendencies, inclinations, bents and impulses which come down through the line of descent and become an integral part of the man, and are therefore constitutional. These are enlarged and strengthened, or curbed and diminished or modified, by education, environment and religious belief. Education possesses no creative power. It acts only on the faculties God has given. It draws them out, enlarges and strengthens them—increases their scope and power—and gives them greater breadth and deeper penetration. By education I do not mean the knowledge derived from books alone, for Nature is a great teacher and educator. The continuous woods, the sunless canyon, the ascending ridges and mountain peaks, as well as the sunlit and flower-bestrewn dells and valleys—in fact all of the beautiful and variegated scenes in Nature—possess an educational force and power very much, in my judgment, underestimated. Man's emotional nature is enlarged—his taste for the beautiful quickened—and his love for the grand and sublime broadened and deepened by frequent intercourse with Nature. Byron felt this when he wrote—

"There is a pleasure in the pathless woods,
  There is a rapture on the lonely shore,
There is society, where none intrudes,
  By the deep sea, and music in its roar:
  I love not man the less, but Nature more,
From these, our interviews, in which I steal
  From all I may be, or have been before,
To mingle with the Universe, and feel
  What I can ne'er express, yet cannot all conceal."

I have mentioned environment above. It is not only a restraining and quasi-licensing, but also an educational force. There are, I fear, in every community, especially on the Pacific Coast, many young persons, who, lacking in fixed moral principles and habits of life like the sensitive and impressionable chameleon, assuming the color of the bark on the tree which for a time is its home—take on the moral coloring of the society in which they move, and become for a time, at least, an embodiment of its moral tone. But let the conditions change—let such persons migrate and become residents of a society of darker moral hue and of lower moral tone—and, like the chameleon, they almost immediately take on the darkened coloring and echo the lower tone. If it is their nature to command, they become leaders in a career of associated viciousness or infamously distinguished in the line of individual criminality. The general result is, however, that having broken loose from their moral moorings, they drift as hopeless, purposeless wrecks on the sea of life.

During my residence on the Pacific Coast I have known many sad instances of this degeneration, and our own beautiful and prosperous city has not been free from such sad examples. It is a true, if not an inspired saying that "evil communications corrupt good

manners.'' It is more emphatically true that evil associations corrupt good morals, which was probably the meaning intended by the translators.

I have mentioned religious belief as an element in the formation of character. The doctrine of no religious teacher has ever exercised such a dominating and controlling force in the formation of character in the civilized world, as have the doctrines of Christ. Before His advent the learned world received the philosophy of Aristotle, as a sufficient basis of moral doctrine and civic virtue. But that philosophy, great as it was, and impinging as it often did on the domain of absolute truth, has as a system of moral conduct, given way or been subordinated to the clear, direct yet simple enunciation of Christ, summed up in that grand and universally applicable rule of individual and civil conduct: ''Do unto others as you would have others do unto you.'' A character in which this doctrine forms the basis will always respond to the demands of honor and right.

These observations must answer as a preface, or, as Horace Greely once styled such performances, as ''preliminary egotism.''

Autobiography

I was born in the Genesee Valley, Livingstone County, State of New York, on the second day of May, A. D. 1827. I was number two of a family of eight children,—six boys and two girls. My mother, while not in the popular sense an educated woman, having but a common-school education, had, as the philosopher Hobbes termed it, a large amount of "round-about common-sense." While she gave, as a religious mother, her assent to Solomon's declaration that he who spares the rod spoils the child, it was only in the most flagrant instances of disobedience that she put the doctrine in practice. She was firm, consistent, and truthful, indulging in no unfulfilled threats or promises of punishment in case of non-compliance with her orders. In fact, she acted upon the principle that certainty and not severity of punishment was the preventative of disobedience. Her all-prevailing governing power was affection—love,—thus exemplifying the teaching of the Master that "he who loveth Me keeps My commandments." I say it now, after eighty years of memory, that we obeyed her because we loved her. She has gone to her reward. My observation and experience is that the mother's influence over her sons, if she be a true and affectionate mother, is far stronger than that of the father. Her love is ever present in the conflict of life; it remains as an enduring and restraining force against evil, and a powerful impulse in favor of honor and right. Someone has said that there are

but three words of beauty in the English language: "Mother, Home, Heaven."

My father owned a farm of forty acres in the Genesee Valley, and I first saw the light of day in a plain but comfortable frame house. Back of it, and between two and three rods from it, quietly ran in a narrow channel a flower-strewn and almost grass-covered spring brook, whose clear and pure waters, about a foot in depth, were used for domestic and farm purposes. I mention this brook because connected with it is my first memory. I fell into that brook one day when I was about three years old, and would have drowned had it not been for the timely arrival of my mother. As the years advanced, observation extended, experience increased and enlarged, and I became a parent myself, I have often considered how many children would have reached manhood or womanhood's estate wanting the almost divine affection and ceaseless vigilance of a mother's love.

The next circumstance in my life distinctly remembered occurred some two or three months after the water-incident stated above. Running and romping through the kitchen one day, I tripped and fell, striking my forehead on the sharp edge of a skillet, making a wound over an inch in length and cutting to the bone. The profuse flow of blood alarmed me; but my mother, who was not at all a nervous woman but calm, thoughtful and resourceful in the presence of difficulties, soon staunched the flow of blood and drew the bleeding lips of the gaping wound together. The doctor soon after added his skill; then Nature intervened; and, to use the stately language of court, the incident, as well as the wound, was closed.

I have stated these two events not as very im-

portant factors in the history of a life, but because they illustrate the teaching of mental philosophy, that memory's power of retention and in individual's ability to recall any particular fact depends upon the intensity of emotion attending that fact or event. Especially is this true of our youth and early manhood, when our emotional nature is active, vigorous and strong. In after years our emotional nature is not so active and not so readily aroused; still it exists, a latent but potent factor in memory's domain. Given the requisite intensity, it will still write in indelible characters the history of events on the tablets of memory.

Memory is of two kinds—local and philosophical. Local memory is the ability to retain and recall isolated and non-associated facts. The vast mass of early facts accumulated in memory's store-house rests upon this emotional principle. As the years increase and the mind matures, other principles become purveyors for that store-house. The laws of classification and association become in after years the efficient agencies of the cultivated mind to furnish the data for reflection and generalization. The operation of these laws constitutes philosophic memory. But such facts have no pathos,—no coloring. The recalled facts of our youthful days have a thrill in them; not always of joy, sometimes of sorrow. I must, however, dismiss these imperfect thoughts on mental philosophy, and return to autobiography.

My father, not being satisfied with his forty-acre farm, in the Genesee Valley, but being desirous of more extended land dominion, and inflamed with the glowing description of the fertile prairie and wooded plains in Southern Michigan, made a trip to that territory in the summer of 1831 and purchased in St. Joseph County

two tracts of land of 160 acres each—one being on what was afterwards called Sturgis Prairie; the other, in what was known as the Burr Oak Openings. St. Joseph County, now one of the most populous in that great State, then had less than two hundred people within its large domain. Near the center of the prairie, which contained five or six sections of land, there were four or five log houses—the nucleus of a thriving town now existing there. There was also quite a pretentious block-house, manifesting the existence of the fear that the perfidious savage,—like the felon wolf,—might at any time commence the dire work of conflagration and massacre. There were many Indians in that section of the country. They belonged to the then numerous and powerful tribe called the Pottawattomies. Southern Michigan is a level and low country, abounding in small and deep lakes and sluggish streams. These lakes and streams were literally filled with edible fish. Deer and wild turkeys, also the prairie chicken, pheasant and quail, were abundant. Strawberries, cherries, grapes, plums, pawpaws and crabapples—as well as hazelnuts, hickory nuts, black walnuts and butternuts—were everywhere in the greatest profusion in the woodlands. It was a paradise for Indian habitation. I cannot omit from this a slight digression—the statement that, having lived on the frontier most of my life and having become acquainted with many Indian tribes, their habits and customs, they do not, like the tiger, or many white men, slaughter just for the love of slaughtering, but for food and clothing, alone; hence, game was always plentiful in an Indian country. The buffalo, those noble roamers over the plains, and which a century or less ago, existed in almost countless numbers, have nearly disap-

peared. The destructive fury and remorseless cupidity of the white man have done their work. The indian and the buffalo could and would, judging by the past, have co-existed forever. Now the doom of annihilation awaits them both.

In the spring of 1832 we started for our new home in the wilds of Michigan. Our outfit consisted of a wagon loaded with household goods and provisions—two yoke of oxen and a brood mare of good stock. We reached our destination in a little over a month. I say "we" and "our" because I wish it to be understood that I took my father and mother and elder brother along with me to our western home, for I thought that they might be useful there. I distinctly remember but two incidents of that journey; of not much importance, however, in the veracious history of a life. I became bankrupt in the loss of a jack-knife that a confiding friend had given me on the eve of our departure, with which I might successfully whittle my way through to the land of promise. I was inconsolable for a time. I had lost my all. My father, to alleviate my grief, promised me another. So true is it that faith in a promise, whether human or divine, assuages grief, lifts the darkening cloud, and often opens up a fountain of joy.

We had to cross Lake Erie on our journey. The not over-palatial floating palace in which we embarked was struck by a storm. She pitched and rolled and lurched in the tumbling and foaming waters. The passengers, save myself and some of the crew, as I was informed, lurched and foamed at the mouth in unison with the turbulent waves.

I was confined, for fear I might be pitched overboard; but I felt no inclination to join in the general

upheaval. Since that time I have journeyed much on the lakes and on the ocean, in calm and in storm, but have ever been immune from that distressing torture.

We arrived at our destination on the firts of June. There was no house or building of any kind on the land purchased by my father. By the kindly invitation and permission of a Mr. Parker, a pioneer in that country, we were permitted for the time being, to transform his wood-shed into a living abode. My father immediately commenced the cutting and the hauling of logs for a habitation of our own; but before he had completed the work he was summoned to join forces then moving westward for the subjugation of Blackhawk and the hostile tribes confederated under him, who were then waging a ruthless war on the settlers of Illinois. Any signal success by this wily chieftain, and his confederate forces might, and probably would, have vastly increased the area of conflict and conflagration. Indian fidelity as a general rule, is a very uncertain quantity. There are, I am glad to say, many noble individual exceptions, but perfidy is the general trait. Vigorous action was taken by the Government for the subjugation of the hostile tribes and for the capture of Blackhawk. This was accomplished in the early summer of 1832.

On the morning after my father's departure I accompanied my mother to a spring about a quarter of a mile from Mr. Parker's house, where we obtained water for domestic purposes. Mr. Parker's house was on the southern edge of the prairie which was fringed by a thick growth of hazel, sumach, plums, crabapples, wild cherries and fox grapes. This fringe was narrow and only extended back from two to four rods—beyond which was the open timber. The trail to the spring

was in the open timber, but close to the inner circle of the copse. Nearing the spring, we saw, skulking near the outer edge of this thicket fringe, five Pottawattomie warriors. They seemed to be somewhat agitated and were intently observing the movements of the white soldiers and listening to the roll of the drum and the call of the bugle. My mother hesitated at first, but went on to the spring, and, having filled her pails with water, we went back with quickened steps to the house. Shortly after, these warriors came to the house. Mr. Parker, who imperfectly understood their language, succeeded, however, in explaining to them the meaning of this martial array, and they left, seemingly well satisfied. We saw them frequently afterwards and often purchased from them choice venison, turkey and other game birds, as well as fish, for a mere trifle. But those were troublous days and full of dire apprehension to the lone settler. Every night a few, principally old men, would gather at Mr. Parker's house, and when the door was closed and securely fastened, the light extinguished, the few men would lay down with their loaded rifles by their side. The door was not opened in the morning until a careful reconnoissance had been made through the port-holes, of the surrounding country. Apprehension has in it as much of terror as actual danger. The one is continuing—the other but momentary, and the one usually increases in its fervor, while the other disappears with its cause.

My father returned after an absence of about two months. He won no military glory—he saw no hostile indians—Blackhawk and his confederates having surrendered before the hostile country was reached by the command to which my father belonged.

Peace having been secured and confidence restored,

father proceeded diligently in the erection and completion of a double log house on his own domain.

I love to think of that old log house with its hewed puncheon floors and thick oaken doors, where my youth was spent. It was a home of peace, of comfort, of plenty and prosperity. Its site was a beautiful one on a knoll near the great military road leading from Detroit to Chicago, and about midway between those cities. The next spring my father, my older brother and myself accompanying him, went to the nearby timber land and got two hundred young sugar maples, black walnuts and butternut trees that were presently planted in concentric circles around that home castle. My father did not believe in drilling ornamental trees into rank and file, like a column of soldiers. He had faith in Nature's beauty and did not think it could be improved by man. Nature should be subordinated to man's will only when cultivation becomes an essential element to the growth, which as a general rule holds only when the tree or plant or shrub is not indigenous to the soil.

In the fall of that year I was prostrated by a large abscess in the right groin. I could neither stand on my feet, nor sit in an upright position. A pallet on the floor, or in some shady nook outdoors when the weather was propitious, was my favorite, and for most of the time my lonely, resting place. On the morning of which I am about to write, my mother was urging my father, as the abscess by its color indicated that it was ripe for the surgeon's lance, to go for a doctor to examine it and my condition, and if proper, to open it and let out the long accumulated poison. The nearest doctor lived some thirty miles away, but my father, yielding to my mother's persuasions, concluded to go.

Before he had arisen from his seat at the table he requested my brother to bring in some stove wood. Boy-like, brother piled up such a quantity on his left arm that he could not see over it, and, bending backward, he came into the house seemingly oblivious to my location, tripped against me and fell, striking the end of the wood upon the abscess. Effectually, but not in a very scientific manner, this opened it. I swooned away, and it was sometime before consciousness returned to me. As proof of my brother's surgical skill, a star-shaped scar over an inch in length, remains today. There were some mitigating circumstances, however, in this surgical work:—it saved a lonely journey and a large doctor bill. He received no compensation—but otherwise—for his effective treatment, and the resultant benefit.

On account of sickness and the want of opportunity, I did not attend school until I was nine years of age. I had a large number of picture books containing stories of bears, panthers, lions and tigers. I had to hire other boys to read them to me, and this kept me in a bankrupt condition. I was frantic to be able to read them myself, and when opportunity offered I soon accomplished this purpose.

When I was fourteen years of age the district school was taught by one Dowling—an Irishman—full six feet in height, a fine specimen of physical manhood, and an excellent teacher. He was employed by the Directors not only to teach, but also, if necessary, to subjugate the rebelious spirit theretofore existing among the larger boys attending the school. His presence and firm and courteous manner dispelled all fear of insubordination.

An incident occurred at that school which has re-

mained fresh in my memory. There was a boy attending by the name of Joe Johnson. In age Joe was between fifteen and sixteen. He was quiet, meditative, awkward—the victim of many tricks, the butt of many jokes. One day Dowling ordered all who could write to turn to their desks and within half an hour to produce a verse of original poetry, or as near an approach to it as they were able to go. We had learned that for Dowling to command was for us to obey. I was sitting next to Joe. After meditating a few moments he rapidly wrote the following:—

"I saw the devil flying to the south,
With Mr. Dowling in his mouth;
He paused awhile and dropped the fool,
And left him here to teach a common school."

I looked over Joe's shoulder and read as he wrote, and when he had completed the verse—oblivious to the conditions—I laughed outright. Mr. Dowling, with vigorous application of his hazel regulator, soon restored my reckoning, and indicated my true latitude and longitude. Mr. Dowling read Joe's poetry to the school, to show the ingratitude of the pupil to his preceptor; but the matter was otherwise received by the older pupils, and it was dropped. This incident no doubt revealed to Joe that he possessed poetic ability of the highest order. Joe, after he had arrived at manhood's estate, published a small volume of poems full of wit, beauty of description, and pleasing satire.

I attended the district school in the winter and worked on the farm in the spring, summer and fall, until I was eighteen years of age, when I left the farm and enrolled myself as a student at the Albion College, a Methodist institution strict in its discipline, thorough

in its teachings, and of good repute for its excellent educational work. I was there over four years, but did not graduate because of failing health. In measuring up intellectually with a host of other young men in debate and composition, I was inspired with the faint hope that I might at least win a few victories in the actual conflict of life. I gave much attention to the languages, and was especially proficient in Greek and Latin. I had an inclination and love for that line of study. I did not, however, neglect the exact sciences, but I had no intuition assisting in that direction. What I know of mathematics, and my studies in that line were quite extensive, is the result of pure reasoning. If proper here, let me observe that the best teacher of the exact sciences is he who obtains a knowledge of them as I did, because he will more fully appreciate all the difficulties met with by the ordinary student.

He who intuitively sees the relation of numbers, form and quantity, needs but little, if any, assistance from a teacher. It is he who, by slow and laborious process of correct reasoning, discovers or unfolds these relations, that needs the sympathetic assistance of a teacher.

I left school because my physician thought I needed more ozone than Greek—more oxygen and sunshine than Latin, and more and better physical development for any success in life's arduous work and its strenuous conflicts. While under the care of Nature's physician, I spent most of my time in hunting and fishing, with occasional work on the farm. This continued for nearly a year. The treatment was beneficial, and I enjoyed it. During this time I received an invitation from a literary society in the town to deliver before

them a lecture, on such subject as I might choose and on such evening as I might designate. I accepted the invitation, and chose as my subject "The Eclectic Scholar." I named a day one month ahead. As this was my first appearance before a public audience, and that, too, composed of the companions and acquaintances of my youth—the most unpropitious of all audiences for a young man to face—I spent nearly the entire month in the preparation of that address. I will not attempt to give its substance or a skeleton of the topics discussed. It was published in the local paper with flattering comments, but I have neither the manuscript nor a copy. My first intention was to read it, but I finally concluded to commit it to memory, and to deliver it without the aid of the manuscript. An incident occurred in this connection that, annoying as it was to me at the time, I cannot omit. After the address had been memorized, I went to a dense copse on the land of Mr. Parker, selected a small opening and delivered the address with proper gesticulations to the surrounding saplings, thinking no human ear or eye heard or saw me; but I was mistaken. Old man Parker was out pheasant hunting. He was near me when I commenced to speak, and, quickly concealing himself, saw and heard from his ambush the whole performance. When I picked up my hat to go, he arose, came into full view, clapped his hands and said, as he approached me, "Well done, Orange." As I was not in a conversational mood I did not tarry. At the appointed time I had a full audience. A vote of thanks was tendered me and a request for a copy for publication. Since that time I have learned that many of the great addresses of the world by orators, and statesmen, are first carefully written, then memorized, then repeated in front

of mirrors, before delivery to the audiences for whom they were intended.

Late in the fall of this year I concluded to study law, and to make its exposition and practice my life work. With this end in view I entered the office of Hon. John C. Howe, of Lima, La Grange County, Indiana. Here let me say by way of parenthesis, that our esteemed brother lawyer, James B. Howe of Seattle, is a near relative of his. A brief description of my preceptor may be admissible. He was a quiet, somewhat reserved man, and a great student. Though inclined to be taciturn, yet, when in the mood, his conversation was charming. I have often thought his mind was a little sluggish in its ordinary movement; but, let it be stimulated by an important case or a large fee, and he seemed to be, like Massena, almost inspired. It is said of Napoleon's great Marshal that in the ordinary affairs of life he was a dull and even a stupid man; but that when he saw the smoke of battle, and heard the roar of cannon, the rattling of musketry, and saw the gleam of bayonets in the hands of the charging legions, he was seemingly inspired, and never, amid the roar and tumult of battle, made a mistake. In a sense this was true of my preceptor. He was of strong physique and could work with an intensified industry that approached genius. He possessed great power of generalization and could readily reduce complicated and voluminous facts to their proper classes, and thus completely master them. Few men in American history have possessed this ability in a pre-eminent degree. I might, among the few, mention John C. Calhoun and Oliver P. Morton of Indiana. Another characteristic of my preceptor was his preferential love of English Reports and English authors;

hence, in addition to Blackstone's Commentaries, I read Starkey on Evidence; Chitty and Stephen on Pleadings; Chitty on Contracts, on Notes, and Bills of Exchange; Coke on Littleton; Hale's Pleas to the Crown; Archibald on Criminal Law; Lord Redesdale's Equity Pleadings and Jurisprudence; and Seldon on Practice. I read Dr. Lushington's Admiralty Reports. Seemingly, I had no use for admiralty, living as I did in the inland empire; but I found such knowledge of great use after I was appointed to a Judgeship in Washington Territory. A little brushing-up and some additional reading enabled me to try the admiralty causes brought before me to the satisfaction of the bar. I cannot close this brief reference to my law preceptor without the narration of an incident in which he was one of the principal actors. The sheriff of St. Joseph County, Michigan, had been elected for four consecutive terms, and it was alleged and conceded that he was a defaulter in a large amount. He had given a different set of bondsmen for each term, and the question arose which of these sets was responsible. My preceptor was employed by the county; the bondsmen, of which my father was one, employed Columbus Lancaster, afterwards a delegate to Congress from Washington Territory, and one of the judges in the provisional government of Oregon. Lancaster was a witty and eloquent speaker and a successful trial lawyer. As the case was an important one, and the counsel distinguished, many lawyers attended the trial. At that time the laws of Michigan gave three justices of the peace, sitting in bank, all of the powers, by the consent of the parties, of the Superior Court. This was a trial before such tribunal. But little evidence was taken, just enough to raise the legal questions involved.

The argument of Howe was clear, compact and to my mind conclusive. It had for its basis English authorities and cases. Lancaster answered in an eloquent and witty speech, and after a brief reply from Howe the case was submitted. The justices retired, but in a short time returned. Their judgment was for the defendants. Howe was manifestly disappointed and he said to Lancaster: "I will offer this: You may choose any three from the lawyers present, and we will reargue the question and I will agree to abide by their decision." The answer of Lancaster was characteristic; he said: "I never run all day to catch a rabbit, and then let him go just to see whether I can catch him again."

Both of these men have long since been gathered to their fathers. They were just men and true, and in ability far above the average.

I was admitted to the bar in the fall of 1850. Under the laws of Michigan at that time, admission to the bar was not necessary to practice law in that State, but it was the usual and dignified course. The class seeking admission was quite a large one; most of them, in fact all of them save myself, were old lawyers seeking admission in the regular and time-sanctified order. An afternoon was given by Judge Wing, who presided, for the hearing of the petition of the applicants. The Judge and the Bar were the examiners. They all took a free hand. I thought I could discover a disposition on the part of the Judge and the Bar to put the old practitioners, whose knowledge of elementary principles had been somewhat dimmed by the lapse of years, at a disadvantage as compared with the accuracy of a young man fresh from the books. Hence, many questions were rushed to me for

a full and accurate statement of the text-books, which in most cases I was able to give, to the manifest pleasure of the examiners. We were all admitted. In anticipation of so propitious a result, we had provided a banquet for Bench and Bar. At its conclusion the Judge said, "a motion for a new trial would be in order, and if such motion was made he would take it under advisement till the next term of the court, when he had but little doubt that it would be granted."

After my admission to the Bar I diligently continued my legal studies, confining myself, however, almost exclusively to American Reports and authors, such as Kent's Commentaries; Story on the Constitution, on Equity Jurisprudence and Pleadings; Greenlief on Evidence; Gould on the Form and the Logic of Pleadings; Bishop on Criminal Law; and many others. I have continued this extensive reading during all of my professional career when books were at hand. Looking back from a standpoint of eighty years' time, I am satisfied that I have read too much, and reflected, reasoned, analyzed, generalized and thoroughly digested too little. I often think of the saying of Locke, the philosopher, that if he had read as much as other men he would have known as little as they. There is much truth in this statement. To read without thought, without reflection, without analysis and a thorough digest of what one reads, is a waste of time. More, it weakens the memory, does not accumulate knowledge, and incapacitates the mind for serious work. While I have no admiration for a correctly-styled "case lawyer," yet, were I to live my professional career over again, I would get my legal principles from a small but well-selected library of authors of established repute; and then I would consult leading cases on each topic or

subject, as a help for their proper and logical application. The practice of law consists in the application of a well-defined legal principle to a certain combination of facts. Whether the principle applies is a question for the courts; whether the facts that enter into the definition exist is a question for the jury. But, as I am not writing a legal treatise, I leave the topic here.

My father caught the gold fever, and early in the spring of 1849 started with an ox-team across the plains to the gold-fields of California. He returned in the winter of 1851-2, having been moderately successful. For many years I had been a sufferer from neuralgia. Its painful development was in the forehead. I was a pale and emaciated specimen of the genus homo, weighing less than 150 pounds. My father was of the opinion that the air of the Pacific Coast was rich in ozone, and his physical appearance indicated that his judgment was sound. "Go west, my son," he said; "go to Oregon—not to California—for you would amount to nothing as a miner. You will be subject to a continual alkaline bath on the plains, and this will prepare you for the renovating effects of the salubrious air of the Pacific Coast." My father was not a physician, but I readily consented to take his prescription, provided he would pay the doctor's bill. This he willingly consented to do. I soon found three other young men who had the Oregon fever in its incipient stages. It soon became fixed and constitutional, and they determined to go. A wagon was soon constructed under my father's direction—light but strong, with a bed water-tight and removable, so that it could be used as a boat for ferrying purposes; a strong cover for the wagon, and a tent which in case of storm could be fastened to the wagon to supplement the effectiveness of the cover.

Each furnished a span of light, tough and dark-colored horses. White was not allowed on account of their alleged want of toughness and durability. Each was allowed two full suits of clothes and no more, and two pair of double blankets and no more. The object was to prevent overloading. Each was to have a rifle or shotgun, or both, and a pistol and sheath-knife. I am thus particular, because in this day of railroads and Pullman cars, these things are fast passing from memory.

On the first of March, 1852, we left Sturgis, Michigan. Our first point of destination was Cainesville on the Missouri River. We did our own cooking and slept in our wagon when the weather was clement; at hotels and farm houses when it was inclement. None of us had ever tried our hand at cooking before, and our development along that line had a good deal of solid fact, and but little poetry in it. We could put more specific gravity into a given bulk of bread than any scientific cook on earth. Taken in quantity, it would test the digestive energies of an ostrich; but we took it in homeopathic doses. We lived in the open air and survived, as our knowledge of the culinary art rapidly increased. The moral of this mournful tale is:—mothers, teach your sons to do at least ordinary cooking; they may many times bless you in the ever-shifting, and strenuous conflict of life.

I was born and reared in a cold climate; but when the mercury fell, the atmosphere lost its moisture; and while the wind was fierce and biting, it was dry. You can protect yourself against such cold; but when you come to face the cold, damp, fierce and penetrating winds that sweep over the prairies of Illinois and Iowa

when winter is departing, they find you, and chill you through any kind or reasonable quantity of clothing.

On account of snow-storms we stopped for a week, in the latter part of March, at a farm-house in the outer settlements of Iowa. The people were intelligent and refined. Our hostess had two lovely daughters, and we young men were at home. Prairie chickens were very abundant in the vicinity, and with my shot-gun I more than kept the family supplied while there. Our hostess was a good cook and we lived high. A short distance away was a log school-house also used for a church, and we accompanied the family to church on Sunday. The minister was a Methodist circuit-rider; and while he was not an eloquent man and did not, like Wirt's blind preacher, in the wilds of Virginia, tell us with streaming eyes that "Socrates died like a philosopher, but Jesus Christ like a God," yet with force and emphasis he preached Christ and Him crucified for a sinful world. This was the first church service we had attended since leaving home, and it gave us all a touch of homesickness.

As soon as the storm abated and the weather gave indications of more sunshine and less downpour, we bade adieu to our hostess and her fair daughters, and journeyed slowly onward over horrid roads towards Cainesville. We arrived at this bustling outfitting town on the 23rd of April. We found there a large number of persons and prairie schooners, but most of them were on a voyage to the gold-fields of California. By diligent inquiry I found seventeen wagons, with an average of four persons to the wagon, whose destination was Oregon. We agreed to cross the Missouri River on the 2nd day of May, and on the afternoon of that day we were all safely landed on the western shore.

We were now beyond the realm of social constraint, conventional usage, and the reign of law. It was interesting to me to note the effect of this condition upon a few men in our party. They seemed to exult in their so-called freedom. They spoke of the restraining influence of organized society as tyranny, and of the government of law as government by force. A meeting for organization was called for that evening. I was elected chairman, and in response to a request for my views, I said, that we on the morrow were to start on a journey of over two thousand miles through an Indian country; and while it was reported that the tribes through whose country we were to pass were at peace with the whites, yet it was a sound maxim, in the time of peace to be prepared for war; and that our safety, and that of our property, depended upon our strictness, watchfulness and unity of action, and these beneficial results could only be secured by organization: hence I proposed that, without being myself a candidate for any position and not desiring any, we organize ourselves into a semi-military company by the election of a captain and a first and second lieutenant. A motion was made in accordance with the views expressed by me, and seconded; I declared it open for discussion. One of the persons mentioned above, who thought he had just enhaled the air of perfect freedom, arose and said that he was opposed to the motion; he did not propose to be lorded over by any one; he would be governed by his own judgment and wishes. I replied that we did not propose to lord it over any one, but to govern in all ordinary matters by common consent, and in all matters by the laws of safety and decent morals. The motion was put and it was carried with only five dissenting votes. A vote was taken by ballot

for Captain, and to my astonishment I received all the votes but two—one of which was cast by myself for a gentleman who had crossed the plains and who had returned to the States to get married, and, having accomplished that purpose, was returning with his wife and an unmarried sister of hers to his home in Oregon City; the other vote, presumptively, was cast by a gentleman that, on account of his military appearance and the arsenal of weapons which he carried on his person, and his alleged thirst for Indian blood, we styled Colonel. As the Colonel was an open candidate for the office, the opinion prevailed that he had voted for himself. The first and second lieutenants were soon elected and a quasi-military organization was soon formed. The first lieutenant was unpopular with the men. He was a good man, but possessed no fitness for the position; he had much of the *fortiter in re*, but none of the *suaviter in modo*. The second lieutenant was a doctor by profession and was eminently fitted for the position; he was calm, cool in danger, discreet in words and action, and courageous in conduct. Thus equipped, the next morning at eight o'clock we rolled out and made about twenty miles; we camped on a plateau covered with grass and by a brooklet of pure, cold spring water. The second and third days were but repetitions of the first. The fourth day we reached the Loup Fork, a large tributary of the Platte. We ferried over it successfully and resumed our journey across the valley of rather low but rich land, still covered in places with a mass of tall dry grass, the fading glory of last year's beneficence. We were in the Pawnee country. When we were about two and one-half or three miles from the river, from seventy-five to a hundred Indians arose suddenly out of the grass, stopped our teams, and by

their unearthly yelling came near stampeding our horses. We were caught unprepared. We did not expect to meet hostiles, or even troublesome Indians within an hundred miles of the Missouri River. Many of the guns were not loaded. A lame chief, pretty well dressed in buck-skin, with a sword by his side, a pistol in his belt, a fine rifle in his hand, and a photograph of ex-President Fillmore, in a metallic frame, on his breast, was in command of the Indians. He, and three subordinate chiefs were standing near the head of the train, and I sent the doctor—the second lieutenant—and another discreet person to confer with them and ascertain what this meant. The other Indians in open order extended the full length of the train, and were about five rods away. All had bows and arrows or firearms. They used the weapons in their movements, with incessant yelling, in a menacing manner. All things being in readiness, I went to where the doctor and his companions and the chiefs were, near the head of the train. I asked the doctor what they wanted. He answered that they wanted one cow brute, a large quantity of sugar, tobacco and corn, for the privilege of crossing their country. They were in a squatting position, marking on the ground the boundaries of the country claimed by them. I told the doctor that we had no cow brute and could not give one; that we had but little sugar and tobacco, and could spare none; that if they wanted corn to plant, we would give them a sack of shelled corn, and no more. They understood what I said, and quickly sprang to their feet and covered the doctor and myself with their guns. I had a double-barreled shotgun by my side. I seized it; but before I could get it into position, the muzzles of the guns were lowered, the yelling ceased, and the sack of

corn was accepted as toll. This was to me a new and rather startling application of the doctrine of *posse comitatus* for the enforcement of an unadjudicated demand; but I have since learned that civilized nations use battleships and cannon for that purpose.

The great Carlyle declares that if a person possess a quality in a high degree, whether that quality be mental or physical, he is unconscious of the fact; but if he be deficient in any quality, either moral or physical, he is always conscious of the deficiency; and, seeming to act on the supposition that what he feels so distinctly, he fears others might perceive, he is constantly hedging: therefore, a dishonest man is always talking about his honesty, and a coward about his bravery. All the men of our company behaved well but one, and that one was "the Colonel." I cannot refrain from recalling an incident connected with him. I have mentioned the unmarried lady who was accompanying her sister to her Western home. She was sitting in the wagon with the reins in her hand and a pistol in her lap, during all the excitement and uproar. As I passed up and down the train, I saw the Colonel, either at the rear or on the side of the wagons, away from the yelling Indians. The last time I passed the wagon, the Colonel stuck his head out from the opposite side and asked, "What are you going to do, Captain?" I said, "Fight, sir, if necessary." The young lady, looking at him, exclaimed: "Yes, sir; fight if necessary. Get on the other side of the wagon; be a man!" Although the Colonel subsequently, by his conduct at Shell Creek, partially redeemed his reputation, yet the insinuating jeers of the men, as to which was the safer side of the wagon, kept him in hot water, and, taking my advice, he left the train after the passage of

Shell Creek, at the first opportunity. It was a good riddance, for a coward driven to bay, and constantly wounded by the shafts of ridicule, is dangerous.

Our toll having been paid and the excitement having abated, we resumed our journey across the Loup Fork valley and over the slightly elevated high land that separate its waters from the Platte. We descended from this high land by an easy grade, and made an early camp. Wood, water and grass were abundant.

We knew that a large ox-train, consisting of forty wagons or more and known as the Hopkins train, would cross the Loup Fork the next morning. There were quite a number of women and children in the train; hence our gallantry, as well as our bravery, prompted assistance. Further, we had concluded that it was wise to travel in larger bodies through the country of the Pawnees. According to our estimate, this train would arrive at the danger point, or toll gate, between ten and eleven o'clock a. m. Thirty of us volunteered to go back, to assist in case of difficulty. We were mostly mounted and ready for the start, when we saw a horseman rapidly approaching us, and we rode out to meet him. He told us that the Hopkins train had been attacked by the Indians, that two of his company had been seriously, if not mortally, wounded; and he asked for a doctor. The doctor was with us and readily consented to go, after returning to the wagon for instruments and medicine he might need. The rest of dashed up the gentle slope—hurry-scurry, pell-mell. At the top we slackened our speed for observation. We saw that the Indians had abandoned the conflict and were hurrying to the river, on the further side of which was their village. The occasional puff and report of a white man's rifle, at long and ineffective range, no doubt

quickened their speed. We struck out on an acute angle to cut them off from the river, but failed. Those in boats had either reached or were near the other shore, some three or four hundred yards away; those in the water swam with the current and were practically out of danger: the boys, however, took some shots at the retreating heads. I think no Indian was killed or wounded by the shooting, but some of the boys were of a different opinion. We were at the river bank but a short time; but before we left it, the lame chief and his two subalterns, mentioned above, came down to the opposite shore, raised their hands to show that they had no weapons, then jumped into a canoe and rapidly crossed the river to us. They asked permission to go up with us to see their dead and to care for their wounded. The chief said five Indians were dead and many wounded. We saw but three dead and two slightly wounded. Two white men were wounded—one with a flint-headed arrow in the chest, the other shot with a large ball through the fleshy part of the thigh close to the bone. Although the arrow-head had entered the chest cavity, it had not pierced any vital organ, and recovery was rapid; the other wound was of a complex character, which I cannot mention, and was dangerous if not mortal. This man was slowly recovering, however, while he remained with us and under the doctor's assiduous care. What the final result was I never knew. The wounded having been attended to, the train was soon on the move for our camp. After a consultation held that evening, it was agreed that we should travel together through the Pawnee country, and that I should have general control of our united forces.

Shell Creek, which was full five days' travel ahead,

was said to be one of the boundary lines separating the country of the Pawnees from that of the Sioux. Notices stuck up along the road warned us to look out for the Pawnees at Shell Creek. It was their last toll-collecting station. This fact and their difficulty with the Hopkins train put us on our guard. From what we saw of the action of the Indians, there were manifest indications, that they were collecting at Shell Creek. We saw every day on the opposite side of the river, long lines of them journeying towards that point. In the afternoon of the fifth day after our union, we arrived on the plain, through which the creek had cut its way to the Platte River. We made a corral with our wagons, some seventy-five or eighty rods from the creek.

A few small flags of different colors were floating from the top of the bank descending to the creek, indicating that the Indians were there. I called for seventy-five volunteers to go with me to the crossing. I am glad to say that the Colonel promptly stepped forward; and more than the requisite number offered to go. Where the road crosses Shell Creek valley, if it is proper so to call it, it is from fifteen to twenty feet below the general face of the country, the valley not being over four or five rods in width. It is a small stream, but its shallow waters flow over a bed of treacherous quick sand. The earlier immigrants had cut down the nearly perpendicular bank so as to make the descent and ascent practicable, to and from, the narrow valley. They had also, from the nearby timber in the valley of the Platte River, obtained stringers, placed them across the creek, and covered them with heavy split or hewn cottonwood puncheons.

I formed my volunteers in a line, open order, and

facing the crossing. In this order we marched quite rapidly towards the creek until we were eight or ten rods away, when an order of double quick was given,—we dashed down to the bank, and found from seventy-five to a hundred Indians, all armed, at different points along the bank and near the crossing. We covered them with our rifles and shotguns. There was an ominous silence for a short time. They soon arose, however, and all but two crossed the creek and went to a bald knoll a short distance below the crossing. One or two started to come up to us, but we waved them off. The puncheons had been removed from the stringers and thrown into an irregular pile on the further side of the creek. Two Indians stood upon the pile. I asked for two young men to go down to replace the puncheons. Quite a number volunteered. I selected one standing near me, and another called Brad. Both were stalwart and muscular. Brad was a great boaster, but a noted exception to Carlyle's rule. He was as courageous as a lion. The puncheons were thick, water-soaked and heavy. One of the two Indians standing upon them departed as Brad and his companion approached; the other, silent and sullen, maintained his position on the pile, and when Brad took hold of the end of a puncheon he walked down to that end, thus compelling Brad to lift him as well as the puncheon. Someone said "hit him, Brad." I thought the order a proper one; so I said nothing. Brad, who was great in a power emanating from the shoulder and culminating in the knuckles of the hand, struck, with all his force, the Indian on the point of the jaw; the Indian fell to the ground a limpid heap, and did not recover until nearly all of the puncheons had been replaced. When he arose his face was covered with blood from either

the effect of the blow or his fall. He walked slowly towards the knoll where the other Indians were, and his appearance among them created quite a sensation and uproar. It was manifest that there was no unity of purpose, or action among them. As soon as the bridge was repaired we crossed over with four-fifths of the men; the other one-fifth went back to help bring up the train, and to assist in the crossing if necessary. I left the command with the doctor, and as the evening was fast approaching I selected a camp about one-half of a mile beyond the crossing, where grass, water and wood were plentiful. The first lieutenant superintended the camping. When I returned I found that the doctor had "the lame chief" and two other younger chiefs as prisoners. They had crossed the line marked out by him, and he retained them as hostages. The lame chief was somewhat reconciled to his lot, but the young men were taciturn and sullen. The lame chief knew English and talked it sufficiently well for us to understand him. I told him that we would give them plently to eat, with blankets upon which they could sleep, and that we would part as friends in the morning. I told him further that if the Indians attacked us that night he and the two young chiefs would be killed. I told him that he could control the Indians, and that we required him to do it. All of this was said to him in a most positive and emphatic manner, and he communicated it to the younger chiefs. I asked him what so many Indians, all armed, had come away from their villages and to the boundary of their country for? He said the Indians had no bad feelings towards the horse-train, but they had come to make the cow-train pay for the killed and wounded in the fight at Loup Fork. He said that they did not expect to find us with the cow-

train. Certain it is, that every circumstance pointed to the conclusion that had not our train been present, the Hopkins train would have been compelled to contribute largely, or would have had another fight more disastrous, perhaps, than the first. The night was made hideous by the almost constant yelling of the Indians. I remained up until eleven, when I retired, worn out and with an acute attack of neuralgic headache. After a time I slept or dozed, notwithstanding the uproar. The doctor also had gone to his wagon. The first lieutenant was in command. About three o'clock he came to my wagon, and requested me to get up; he feared, he said, an attack. The Indians, he informed me, were already approaching us. I found that the warriors had left the strip of timber on the river and were within one hundred yards of our picket-line. I went around the camp and found nearly everyone awake and up. I then went with the lame chief and his guard to the picket-line. I told him to tell the Indians, that they must not come any nearer. The chief began to speak immediately and continued to talk for two minutes or more; and while we did not understand what he said, the tumult ceased, and from thence on, comparative quiet prevailed. In the morning we gave our hostages a good breakfast and presented them with a cow brute so lame that it could not travel farther. I saw it killed. An Indian with a strong, and to me almost inflexible bow, threw himself on his back, holding the steel or iron-pointed arrow with both hands against the string of the bow, and with his feet springing it sent the arrow deep into the heart of the animal, which fell at his feet. This was the first exhibition I had ever seen of the power of the bow as a weapon and life-extinguisher. At short range, with a

cool nerve, with a full quiver, a person thus armed would be a dangerous foe.

We got an early start the next morning. We bade our hostages good-bye without regret, and entered onto the land of the Sioux with hopeful satisfaction. We journeyed full twenty miles that day, and camped on a treeless plain with good water and plenty of grass, but no wood save buffalo chips. This want of wood was to continue for hundreds of miles. It was amusing at first, to see the ladies handle the buffalo chips. They literaly cooked with their gloves on. But the principle announced by the poet soon asserted itself:

> "Vice is a monster of so frightful mien,
> As to be hated, needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace."

I do not mean to say that they embraced this fuel; only that they used it as they would other fuel—simply obeying a law of necessity and enduring it.

This morning we parted from the Hopkins train, got an early start and made a late camp over twenty miles away.

Early in the commencement of our jurney to the sunset land, I organized a hunting party of four good shots, two of whom I was personally acquainted with and knew that they were well qualified for their position; the other two were chosen on the recommendation of their acquaintances and friends. This selection turned out to be not only harmonious, but a fit and proper one. They organized by the election of the doctor and myself as alternate captains, expecting that one of us would accompany them on each day's hunt. The work was exciting, with a dash of danger

in it, and was arduous. Heretofore there had been no opportunity for the proof of their skill. This day, having determined from our guide-book where to camp, I accompanied them to the hills. Shortly after noon the hunters came across a small herd of buffalo in a gully where there was a little pool of seepage water, and succeeded in killing two—one a yearling, the other a barren cow. I was not in at the killing, but I succeeded soon after in ending the swift-bounding career of a fine antelope. We cut the meat from the carcass of the two buffalo and placed it in sacks or rather strong saddle-bags made for that purpose. The bones, neck and horns, save tongue, as well as the hide, were left to be more thoroughly cleaned and devoured by wolves, the ever-ready scavengers of the plains. My trophy of this day's hunt, minus the head and neck, was strapped to the saddle of my horse, and thus by her, grudgingly, borne into camp; but she became accustomed to such work, and protested only at the stinging tightness of the cinch. This was our first ration of fresh meat since crossing the Missouri River. The meat was a treat, fat, juicy and tender. Two days after this the hunters, accompanied by the doctor, at an early hour started for the hills. They returned in the early evening, each with an antelope on his saddle. They saw plenty of buffalo, but could not approach them sufficiently near to get an effective shot. The meat of the antelope, while not as rich and juicy as that of the buffalo, is in the spring of the year, when the grass is green, sweet and tender. It is of much finer grain than that of the buffalo; and the animal is more select in his appetite, eating only the finer grass, with a delicate flavoring of the finest sage, which in many cases was quite distinguishable. I remember

that not many years ago the choicest beeves were steers fattened on the rich and luxuriant bunch-grass of the hills, which a week or ten days before marketing were driven to and herded in the valleys where the small sage abounds. They ate it not as a matter of first choice, but of necessity. Such beef, to the epicures, was the realization of a long-felt want.

The work of the hunters was strenuous, and as a partial compensation for their longer hours, and the beneficent results of the successful work by them, they were excused from guard-duty in the night. To this all agreed.

On the second day after the doctor's debut as a hunter, I accompanied the hunters to the hills. We did not find game plentiful, but we occasionally caught the glimpse of an antelope bounding away out of range. The day was excessively hot. Late in the afternoon, however, the hunters started a large buffalo bull from the channel of a dry creek, he ran up the channel towards me; and as he attempted to pass me a few rods away, I fired and struck him in the heart, and he staggered, lunged and fell. This was my first buffalo, and I was, of course, elated with my luck. The hunters would probably have killed him had it not been for my fortunate intervention, for they were in close pursuit on the higher plateau on either side, and were fast converging towards him. He could have scarcely run in safety, the gauntlet of four such expert riflemen. As it was, however, the honor was mine. The pelt or robe was large and very fine, but we were compelled to leave it and the stripped bones to be devoured by the waiting wolves. From thence on until we crossed the Rocky Mountains, we had a liberal supply of fresh meat, consisting of antelope, buffalo, a few deer, three

elk, one brown bear, and one bighorn Rocky Mountain sheep, or goat.

So far as travel was concerned, each day was but the tiresome repetition of the preceding one, with very slight variations. When we arrived at Fort Laramie we stopped for some three or four hours. We crossed the river and made a friendly visit to the officers of the fort. We found them to be true American soldiers and gentlemen. The commandant told us that he had heard of the Pawnee difficulty, and had sent an officer and a squad of soldiers to enquire into the affair. He was very anxious to hear from us a statement of the whole matter. I gave him as full a statement as I was able to, and both of us were of the opinion that it was precipitated by the want of proper discipline and control of the men in the train. This may not be very flattering to the white men, but it is the truth, notwithstanding.

I am not a military man, but I was not impressed with the idea that Laramie, surrounded as it is by an amphitheatre of commanding hills, was a fit site for a fort. As against an enemy with modern artillery, I thought it to be hopelessly defenceless. As against Indians it possibly might do. But then, I knew nothing of Plevna, similarly situated, and so heroically defended by the Turks against a superior and well-equipped Russian army.

Leaving Fort Laramie, we now entered the Black Hills country. After a two-days' journey in the hills, finding grass, water and wood in great abundance, we concluded to rest for two days for laundry and recuperative purposes. Our horses began to show the effects of the journey, and the want of their accustomed food. No animal has the power of endurance of man, unless

it may be the wolf, "whose long gallop," says the poet, "can tire the hounds' deep hate and hunter's fire."

On the first day of our rest I accompanied the hunters into the hills for game. About three miles from camp, on a wooded side-hill, they came across a band of fifteen or more of elk and succeeded in killing three of them. I was not in at the killing, but caught a distant view of the noble antlered monarchs of the forest, as they sped away to deeper and safer retreats in the depths of the woods. As we did not kill for the love of slaughter, but for food, we declared the day's hunt a success, and prepared our meat for transportation to the camp, in the usual manner. I have killed quite a number of elk since that time in the mountains of Oregon, but I have never seen one larger than one of those, although I have seen much larger and finer antlers than adorned the heads of any of them. The purpose of the antlers, in my judgment, is not to furnish the animal a weapon in fight, but as a protection to his shoulders as he dashes through the brush in flight from an enemy or in pursuit of his mate. When he moves swiftly he elevates his nose until his face is nearly in a line with his back; the antlers, extending back on each side of the shoulders, thus affording them protection. The bucks always lead in such flights, and to a certain extent open the way; hence the females have no need, or not so much need, of such protection. Somewhat disappointed with my failure to get a shot at an elk on the preceding day, I again accompanied the hunters. We made a wide circuit through the hills, some of which were covered with timber, while others were bald. That it was a country abounding in game was manifest in the signs appearing everywhere. We saw a few antelope in full flight and out of range; we

also startled from his sylvan couch a black-tailed buck, being the first of the deer kind seen in our journey. One of the hunters sent a ball after him as he bounded through the brush and timber, but, unscathed, he dashed on. As the day was fast waning we turned our horses' heads campward, and commenced the ascent of quite a high hill to take an observation of our latitude and longitude, and also to determine the exact location of our camp and the best route to it. The western side of this hill was covered with brush and fallen and dead timber. While we were standing on the top viewing the topography of the surrounding country, a large cinnamon bear, affrighted by our presence, started from his lair, and in all probability his patrimonial jungle, and dashed at a furious speed down through the brush and over the logs and rocks of this steep side-hill. We emptied our rifles at him as he plunged downward at such headlong speed. But one ball struck him and that broke his right shoulder, much diminishing his speed and almost entirely destroying his climbing powers. We soon came upon him at the foot of the hill in a bad humor, but we quickly ended his career. He was in fine condition; his estimated weight was from 275 to 300 pounds. We removed the pelt, with his feet, and took them into camp as a matter of curiosity; we also took the meat into camp, but it was not much relished. The hide as well as most of the meat was given to begging Indians.

At Laramie a man and his wife and one child—a little girl between seven and eight years of age—asked permission to travel with us. The man had started the year before, got as far as Laramie and had remained there during the winter. His team consisted of four

yoke of young oxen, well conditioned for the trip. He had a hired man to drive them. He had a band of forty heifers and cows. Many of the cows were giving milk; thinking a little milk in our coffee would give it a home flavor, we readily acceded to the request. We helped him to drive his loose stock and do the milking. When we asked her, by politeness called his better half, for a small quantity of milk, we found that we were dealing with a Shylock. She had milk for sale, but not to give away. We were about to strike when the husband intimated that our canteens were useful. We took the hint, and after that, somehow, our coffee changed its color. To cut this narration short, let me say that while he was six feet tall and well proportioned, he stood still higher in the class of antivertebrates—henpecked nincompoops—than any specimen of the genus homo I have ever known; and she stood higher in her class of imperious virago. How a child, sweet in her disposition, and lovable in all her ways, could be the issue of such a union, was a mystery to us all. Afterwards I had the pleasure of saving the little girl from drowning in the crossing of Port Neuf near Fort Hall. A majority of the company voted to go by way of Fort Hall and to cross the Port Neuf near its junction with the Snake, instead of crossing it higher up, thus keeping continuously on the highlands. I protested, but finally yielded to this almost unanimous desire. I think the agreeable companionship of some of the factors of the company with whom we had become acquainted, at Soda or Steamboat Springs on Bear River, had much to do with this determination. From the Fort, where we were hospitably entertained, to the bluff and road beyond the Port Neuf was about five miles. The water of the

Snake and the Port Neuf had but recently overflowed the valley between the two, and left it a miry quicksand morass, almost impossible of passing It took us three days of hard labor and strenuous efforts to reach the bluffs. The heavily-loaded wagon of the nincompoop and the virago was almost constantly mired. We had little to do with him, but with her it was a constant conflict. At last we got her wagon to the river. He was on the highlands with the loose stock. The river for twenty feet or more was from seven to ten feet in depth. With a true team and a proper wagon this space could be safely passed. Her team, however, consisting of a horse and a mule, when they reached deep water made a lunge, then balked. The wagon filled with water and the current turned it over. She had insisted on driving and on having the little girl with her in the wagon. When it went over quite a number of us young men, who had been working nearly all day in our drawers and undershirts, plunged into the stream, and as we passed over the cover of the sinking wagon seized it and stripped it from its bows. Close beside me the little girl popped up; I seized her, and with a few strokes took her to shore, with no damage done her save a good wetting. It was a question, for a short time, whether the virago would drown the young men who were trying to save her, or they would succeed in their efforts. I went to their assitance and we brought her to the shore, but she needed the doctor's assistance. She had in ballast more water than was necessary, and by a rolling process was forced to give it up. Their team having been safely extricated—the wagon and its contents on shore, and soon transported to highlands, we found among their contents a large demijohn of first class brandy,

to all appearances never opened, probably because the Snake country had not been reached; and as the dominant owner of said brandy was suffering from the too free use of water, we all drank to the toast, with a delicate courtesy, for her speedy delivery. Oblivious of the fearful danger of microbes, each tipped the demijohn at an angle and for a duration of time suited to the occasion. This spiritual passage having become historic, we hitched up our teams and journeyed onward to a creek about two miles distant, where we camped for the night. Next morning we bade a sorrowful adieu to the sweet, and much-loved and sprightly daughter of our train and our whilom companions, and resumed our journey down the left bank of the Snake River. This road led us over a desolate and treeless plain of sage-brush and grease-wood. The sun, at times, sent down its rays with scorching power. The alkaline dust, betimes rolled up in suffocating volumes. The pleasures of the chase were at an end. This dreary and waterless plain was not the abode of animal life, save the lizard, the horn toad and the rattlesnake. Game was said to be plentiful in the foothills and mountains, but they were too far away. The few Indians scattered along the river and the far-separated and uncertain tributaries had, I am informed, no organized tribal relation, but were the vagabonds driven off by contiguous tribes. Their subsistance was precarious, consisting of fish, grasshoppers, crickets or black locusts, and an occasional rabbit. But two incidents worthy of narration occurred in our journey down the river. One was a stampede of our horses by the Indians about two o'clock a. m. One of the four men detailed to guard them on that night informed me that he was unwell, and I took his place.

The horses were on excellent grass a little over a mile from camp. A short time before sundown we rolled up our blankets and with our arms, departed for our night's work. We all took a careful survey of the surroundings and the horses, and then two of us rolled ourselves up in our blankets to be awakened at one o'clock a. m. Promptly at that time we were called. The watchmen reported that all was well; but the horses seemed a little restless and uneasy, and the watchmen thought that wolves were prowling around in the sage-brush, and although unseen by them, the presence of the wolves was detected by the keener scent and clearer vision of the horses.

The night was star light and clear. The moon, when our watch commenced, was just lifting its pale head above the eastern hills. We made a circuit of the herd and passed among and through them, for some were spanselled and others had long trail ropes about their necks. Finding all things in a satisfactory condition, my companion took his position on the left of the center of the herd, and I a similar position on the right. Scarcely had we got to our position when a small band, or party, of Indians suddenly arose from the sage-brush about midway between us, and, with a wild whoop and flourish of blankets, startled the horses and sent them, with all the speed they were capable of making, towards the distant western hills. I fired a shot at long range in the direction of the perfidious savages, but I am quite certain that it did them no harm. They immediately disappeared, however, in the thick sage-brush, and I saw no more of them until I had succeeded in stopping the horses. I got hold of several trail-ropes, one of which belonged to my favorite riding mare; I quickly mounted her, and with a

dash I was soon in front of the affrighted animals. I talked to them; they knew my voice and stopped. The horse looks to his master as his protector. I have seen many proofs of this fact in my lonely wanderings in the hills and mountains, with no companion but my faithful horse. Such a horse always knows where you are; if he does not, he will take your trail and come to you. If in a strange wood, and you get separated from him, he will often whinny; but I am digressing.

After having succeeded in stopping the affrighted animals, I took a careful survey of my desolate surroundings. I saw to my left three Indians standing on a slightly elevated ground, and I raised my rifle to fire. They saw my movement and they quickly dropped to the ground. I sent a bullet as near as I could to the spot; and while I think it did them no injury, yet it was a notice that I was armed, and an admonition not to come within range. I was satisfied that they were unarmed, save with bows and arrows, which, to be effective, required both ambush and a short range; so, although five or six miles from camp, I was fearful of neither.

I saw that the horses, hobbled or spanselled, were very much impeded in their ability to travel, only being able to go by short jumps. Dismounting, I unbuckled some and cut the hobbles of others. About three miles from camp I met a rescuing party, among whom was my guard companion. I was inclined to blame him for not accompanying me in my wild race, but I have long since forgiven him. Such an incident was not uncommon in the early migrations to this coast. The attemps were numerous, but generally not as successful as this one.

The next day, early in the morning, as we were

moving slowly along at the foot of a high and bald ridge, whose top was enveloped in fog, we heard coming from the top a shrill voice saying in prolonged accents, "Steal Hoss—God dam!" Some thought it to be the voice of an angel; others said that if the voice was that of an angel, it must have come from a fallen angel, because the language was very improper for one retaining his first estate; while others suggested that it was nothing, but an extract, or echo from my soliloquy, as I dodged through the sage-brush and greasewood on that awful night in hot pursuit, of our affrighted and fleeing horses. Despite the plausibility of this last suggestion, I adhere to Lord Byron's contention that the anatheme was the nucleus of England's native eloquence; and if so, why not of Indian oratory?

After passing around the point of this angelic ridge, the road diverges to the westward from Snake River and passes over some high, bald ridges separating it from Burnt River.

On the afternoon of the 17th of July, an oppressively hot and sultry day, our train descended from a high and volcanic table land to the narrow valley of Burnt River in Southeastern Oregon. The way down was through a long, narrow and treeless canyon into which the sun poured with focal power. This canyon, and, in fact, Burnt River valley, is the home of the festive rattlesnake. He is of the large yellow bellied species, fierce in his war moods, and deadly when, from his spiral coil battery, "He pours at once his venom and his length."

Impatient with the slow progress we were making, myself and three other young men that night, resolved that in the morning we would dissolve our connection

with the train, and hasten, with longer marches and quickened pace, to our journey's end. Accordingly, early the next morning we packed our provisions, blankets and other personal effects on our horses, and, bidding adieu to our companions, shouldered our rifles and, with reliant faith in our ability to protect ourselves, started on. Our course was up the narrow, silent and gloomy valley of Burnt River. The banks of the river were fringed with a stunted growth of cottonwood and poplar. On either side were high and treeless hills of red earth and rocks, the still remaining evidence of the presence of tremendous igneous agencies in the far-distant past, and which, no doubt, gave the river its name. We camped at noon on a small brooklet which came rollicking down from its canyon home until it reached the valley, and then, embosomed in willows and tall rye grass, flowed silently on to the more noisy and pretentious river. A short distance from camp in a sunny glen we discovered an abundance of service berries and black currants, large, luscious and fully ripe. Having tasted no fruit of any kind for over three months, that noonday repast was not only greatly relished by us, but it awakened associations of home and home life. As we feasted we talked of sister, mother and the bright-eyed girl far away. All things enjoyable must have an end.

It was time to move on. On our return to camp we came across a monster rattlesnake, coiled up and defiant in his lonely home. Having heard it said that tobacco was a deadly poison to this species of snake, we concluded to stop long enough to verify or disprove this saying. We cut some long willow switches and split the smaller end, into which we fastened a quantity of strong, fine-cut chewing tobacco, moistened

so that the juice would flow freely, and then presented it to his worthy snakeship with our compliments. He struck it three times viciously. We could not induce him to strike it any more. He had got a quantity of the juice and some of the tobacco in his mouth. It manifestly had taken all the viciousness out of him. He was evidently subjugated. He began slowly to uncoil, and as he lay at full length a tremor passed over him and he was seemingly dead; but for fear he might recover we bruised his head, not with our heels, but with stones.

In stating this little incident I have wandered somewhat from the thread of my narrative. I do this for two reasons: First, to show that I am a lover of experimental science; and, secondly, to show that the filthy weed may be put to a good purpose.

Late that afternoon we made our last camp in the dismal valley of Burnt River. The next morning we made an early start, and found ourselves on a high sage-brush plateau just as old Sol was lifting his fiery rim above the eastern horizon. To me an alkaline plain covered with unsightly sage-brush, burnt with fervent heat, destitute of water and animate with no carol of bird, or hum of insect, is the very symbol of desolation; a silent, monotonous and dreary waste, fit only for the habitation of lizards, horned toads, and other reptiles. Such, to a great extent was the prospect before us. We consulted our guide-book and learned that the only water for over forty miles was a well or spring near the road, some twenty miles distant.

We pushed on. The day was intensely hot. Two o'clock came, and three, and four, but no spring. We had, evidently in our headlong eagerness to make dis-

tance, overlooked it. The sun went down in a bank of clouds, whose storm-heads loomed above the Blue Mountains, to our left. Darkness came on. The gleam of lightning and the sullen roar of distant thunder warned us that a storm was coming. The fast-ascending clouds soon covered the sky, and the darkness became intense. We called a halt, and decided to stop for the night. We unpacked our horses and turned them loose with trail-ropes fastened to their necks. By the friendly aid of the lightning we were able to spread our blankets amid the sage-brush. I must confess that as I lay that night wrapped in my blankets, with a saddle for my pillow, startled ever and anon by the lightning's fearful glare, and listened to the rolling thunder as it reverberated with many voices through the canyons of the Blue Mountains, a spirit of absolute loneliness came over me. I was homesick. I thought of my father's home, where there was comfort and abundance. I was also troubled with the thought that our horses might hopelessly wander away in that night of storm. But balmy sleep—tired Nature's sweet restorer—soon put an end to these melancholy reflections. I slept soundly despite the storm, and did not awake until the gray streaks of morning streamed up the eastern sky. When fairly awake, I leaped from my blankets, uncovered and examined my rifle, and after buckling on my belt in which were a Colt's navy revolver and hunting knife, without disturbing my companions, I started on a hunt for our horses. I soon found their trail and followed it with quickened speed. I found them about three miles from camp in a beautiful little valley covered with grass, and through which flowed a small streamlet of pure cold water. After quenching my thirst and filling my

canteen, I mounted my favorite animal, and rode back to camp, the others following. I arrived at camp before my companions had awakened. I aroused them with a wild whoop, and treated them all from the contents of my canteen. We speedily packed up and hastened onward in search of green fields, and especially running brooks. About eight o'clock we came to a tributary of Powder River. Here we cooked our breakfast, not having eaten anything but hard tack for over twenty-four hours.

We made a late camp in the afternoon of that day on Grand Rounde River. The evening of the next day found us on the west bank of the Umatilla River. These long and forced marches had begun to tell unfavorably on our horses. I was reminded of the declaration that man had better bottom and finer staying qualities than any animal, except the wolf. Enured as we were to hardship and in perfect health, with no surplus flesh, and with muscles hardened by over three thousand miles of travel, mostly on foot, the wolf even, could ill afford to give us percentage in a race that involved staying qualities. Our camp being an excellent one, and grass, wood and water, as well as fish and game, being abundant, we decided to remain for three days to recruit our jaded horses.

While out hunting the next day, I came upon the camp of a white man, about a mile up the valley from our camp. I made bold to appear at the door of his tent, and found a middle-aged and jolly-looking man who received me with open-handed cordiality. With a smile he told me that his name was Kane, that he was the Indian Agent for that portion of Oregon. In answer to his inquiries I told him all I remembered

about myself, and he, as a compensation, gave me a brief synopsis of his personal history. The conversation soon turned on Indian habits and customs; the numerical strength of the tribes in the great Columbia basin, their war tendencies and their desire of, and capability for a higher civilization, at least so far as the tribes under his supervision were concerned. He argued that they had already passed from the purely savage state to the pastorial; that they were owners of large bands of horses, had made a commendable start in the acquisition of horned cattle, and were very desirious of increasing their stock. He said that quite a number of individual Indians owned from one hundred to five thousand head of horses, "and to convince you," he said, "that these Indians desire to advance in the line of higher civilization, I may mention the fact that a Cayuse chief, the fortunate owner of over 2,000 head of horses, and has an only and lovely daughter, offers to give 600 head of valuable horses to any respectable white American who will marry his daughter, settle down among them, and teach them agriculture." He gave a glowing description of this maidenly flower, born to blush unseen, and waste her sweetness on the bunch-grass plain. Touched by the inspiration of his eloquence, I inadvertently expressed my desire to see this incomparable princess. The agent responded that he had business with the chief and that he would accompany me on the morrow to his camp, situated about six miles up the valley. Nine o'clock in the morning was fixed for starting. I returned to our camp, rehearsed to my companions the incidents of the day, and took an inventory of my rather limited wardrobe. Be not alarmed, gentle reader; I am not about to tell you what my attire was on that interesting oc-

casion; suffice it to say that it was becoming to an American sovereign.

At the appointed time I was at the agent's camp. Two horses saddled, with ropes around their lower jaw for bridles, were in readiness. I approached the one allotted to me, but as I neared it, it snorted and shied. I inquired if it was gentle. "Perfectly so," was the emphatic answer. An Indian held him, however, as I volted into the saddle. He let go, and we bounded away at a furious speed. At the distance of two miles or more I found him willing to yield to the pressure on his jaw and to slacken his headlong pace. We arrived at the Indian village about 10 a. m. It was stationed on the margin of the river in a beautiful grove of timber. It consisted of a dozen or more conical shaped tents. We rode up to the front of the principal one, dismounted, and hitched our horses by dropping the trail rope to the ground. The chief came to meet us, and his reception of the agent seemed to be very cordial. I was introduced as his friend, and we shook hands and said "Klahowa" to each other. We entered the tent. There was no furniture, so we were seated on a roll of bed-clothing next to the wall. An animated conversation was kept up between the chief and the agent. I did not understand the Indian dialect, nor could I then speak the classic jargon; hence I had plenty of time and opportunity for observation. My eyes rolled around the somewhat contracted royal mansion. I saw there a dumpy female of middle age, with a heavy but knotted and uncombed head of hair silently engaged in ornamenting a new pair of moccasins with steel and glass beads. This could not be the princess?

The agent told me that the chief desired to talk

with me about the incoming emigration; I assented, the agent acting as interpreter. This conversation ending, I went out to take a more accurate survey of the village. While standing in front of the chieftain's tent, a young Indian woman, riding astride of a very fine horse, approached the tent. She reined up her steed a few feet in front of me, showed a little astonishment at my presence, and lightly dismounted without any assistance from me. She tarried for a moment to pet her horse, thus giving me an excellent chance for observation. While I can not say that her form was sylph-like and elegant, yet her features were not irregular, nor was her form misshapen. She was of medium height and stood erect. Her head was covered with a luxuriant growth of dark coarse hair, flowing over her shoulders and extending down to her waist. Her hair was neatly combed; around her neck she had several strings of different-colored beads, large and of bogus pearls; she had on a short gown closely fitting her neck and body, and extending to her knees; it was made out of soft buckskin and was tastefully ornamented with beads, and fringed around the bottom; her lower limbs were wrapped in buckskin leggings with fringed stripes at the sides; her feet were covered with a neat pair of moccasins, ornamented with beads. Such was the chieftain's daughter as I then saw her. She dashed by me and entered the tent. I soon after followed. I judged from the long and inquiring stare of the mother, and the quick and abashed look of the daughter, that the agent and chief were talking about me; and I subsequently learned that such was the fact. By invitation of the chief we stayed for dinner. I will not detain you by a description of that repast. After dinner we smoked the pipe of peace and friendship,

then bade adieu to the chieftain and rode back to our camp. The next day I went up to the agent's camp and wrote for the "Detroit Free Press" a description of the Umatilla Valley and the surrounding country, stated the number of Indians residing there, their mode of life, their habits and customs, together with their desire for civilization. I stated the generous offer of the Cayuse chief, and closed with a glowing description of the dusky princess. I mailed the letter at The Dalles.

In due time we arrived in the Willamette Valley. Over three months elapsed before I received a copy of The Free Press containing my letter. By a strange perversion the printer had changed the word "cayuse" into "hans." This explained a mystery. Quite a number of letters directed to the chief of the "Hans" Indians, care of the superintendent of Indian affairs for Oregon, had been received by him. No one knowing anything about the Hans Indians. These letters were afterwards published in the Oregon papers. I will give from memory a synopsis of two of them. The first was written by a Michigan man, and he was endorsed by Lewis Cass, Henry Ward Beecher and many other noted persons. It was a plain, straightforward letter and unconditionally accepted the chieftain's offer. He desired to be speedily notified, in order that he might come on to accept his patrimony and open his agricultural school. The other letter was written by a Virginian. He was endorsed by the Senators of that State and by most of its Representatives in Congress. A daguerreotype accompanied the letter. This gallant gentleman stated to the Chief that he would scorn to accept the hand of the daughter unless he could first win her heart. He flattered himself, how-

ever, that he would have no difficulty in that matter. The whole tone of the letter was that of a regular masher. I do not know whether these letters ever reached the chief and his fair dusky daughter or not, nor do I know whether he was blessed or cursed with a white son-in-law.

My belief is that the perverseness of that Detroit printer obstructed the civilization of a tribe.

In conclusion, the jolly Indian agent was gathered to his fathers years ago. The bow has fallen from the nerveless grasp of the generous chieftain. The princess may still be alive; if so, and if her eyes by chance should fall upon these lines, she will, no doubt, remember the bashful and ungallant young man who met her in front of her royal father's mansion in the beautiful Umatilla Valley in 1852.

On the morning of the fifth day after our arrival in the beautiful and fertile valley of the Umatilla we resumed our journey. Our first point of destination was The Dalles. There we replenished our nearly exhausted stock of provisions. From thence, our first camp was at the eastern base of the Cascade Mountains. We passed over this rugged and densely-timbered range by the Barlow Route. In addition to the stillness of the solemn and continuous woods, and the majestic splendor of the amphitheatre of surrounding mountains, there is the steep descent at once of Laurel Hill from a summit plateau to the valley of the Sandy River below. While it involves some sacrifice of truth to call this the descent of a hill, it requires a greater poetic imagination, from the few stunted Madronas, not laurels, standing on the western rim, of this summit table-land, to call the place Laurel Hill. I saw wagons with their household goods and gods descend this so-

called hill. None but pioneers on whose brow and face sunshine and storm had stamped their heraldic honors, who had swam cold and turbulent mountain streams, had passed down steep, rocky and dangerous canyons, and had crossed treacherous streams of quicksand, would ever have attempted this descent. To such seasoned veterans, impossibilities had a constantly diminishing radius. With a steady yoke of oxen—or a true and biddable span of horses—with a long and strong rope fastened to the hind axle-tree of the wagon and wound around some contiguous tree and gradually loosened, the wagons were safely let down these rough and almost perpendicular descents. My information is that no wagons pass over this road now. It answers for a bridle-path and pack-trail, and no more. Old Mount Hood, along whose southern base we passed, stood forth in her imperial grandeur. The waters of the Columbia wash her northern base and the southern base of Mount Adams, her sister peak. A huge rock-ribbed canyon, at the bottom of which rolls the Oregon, separates the two.

An interesting Indian tradition connected with these mountains has a narrow yet substantial footing in fact, but a broader, more airy and more poetic foundation in myth. It runs thus:

Prior to the tremendous conflict and convulsions mentioned herein, the waters of the Columbia and of its many tributaries were confined in the great basin east of the Cascade Mountains. They had no outlet to the ocean. Mount Hood and Mount Adams had for ages been friends; but in process of time they became estranged. That estrangement deepened in intensity until it culminated in a tremendous conflict. They hurled giant boulders at each other. From their tops

they sent against one another huge and flaming volumes of fire and molten lava. In their herculean and supreme efforts for victory they tore asunder the mountains and let the long-accumulated waters of the upper basin rush downward to the ocean. Thus, was their separation made final and irrevocable.

It is not in the line of this narrative to marshal the reasons for, or against the probability, or improbability, of Indian legends. If I should depart from this rule in this instance, I would say that the similarity of the rocks on both sides of the great Columbia River gorge; the presence of submarine shells embedded in the great eastern basin, as well as the formation of its converging ridges, and the character of its soil, lend a certain tinge of verification to a portion of this legend. The other portion may be taken as a poetic description of volcanic action, with an attendant earthquake or seismic convulsion of great intensity, and of tremendous force.

From this speculation, let us return to more solid ground. There are two rivers heading near the same point, in the marshes and the highest tableland of the Cascade Mountains. The waters of the one, flow eastward and find the Columbia by a tortuous course east of the mountains; the waters of the other, flow westward and empty in the Columbia above the mouth of the Willamette. The Barlow Road is located on the northern side, of this depression, or break in the mountains. Let this brief, and imperfect geographic statement serve as an introduction to the following incident:

Late in the fall of 1847 a large ox-train, with many loose cattle, attempted the ascent of the mountains by the eastern river, but were finally blockaded

by the constantly-increasing depth of snow. There were many women and children, as well as stalwart men, in the train. The situation was perilous, threatening great suffering, and the possibility of starvation; hence, two men were deputed to cross the intervening snow-fields to the Willamette Valley for assistance. R. and B. were the men chosen for the difficult task; and with both of them I subsequently became well acquainted. Equipped with snow-shoes, they successfully passed over the summit's ridges to the desolate base of old Mt. Hood. Here they were enveloped in a dense fog —that most fearful of all calamities to a man in unknown woods, or mountains. Even to the experienced hunter or trapper, familiar with the topography of a mountain range, or a dense forest, the coming-in or settling-down of a fog envelopment, is viewed with apprehension, and alarm. A fog obliterates all the landmarks. Darkness has different shades of blackness;—the depth before you has an intensified blackness; the shadow of a mountain peak makes its huge column, or wooded side still darker. R. and B. became bewildered in the continuous fog. Their provisions were exhausted, and they were subsisting on snails. R. was six feet and well proportioned—brawny and enured to toil; B. was smaller and of a more delicate constitution. R. was a pronounced skeptic; B. was a man of faith and inclined to look for safety to a higher power when immediate danger was impending: hence, while R. was eagerly hunting for food, B. was engaged in prayer. One day, deep down under the snow, R. found the slimy trail of a snail; it led directly under B.'s knee. R. pushed B. aside, saying: "Get out of my way—I am nearly frantic for that snail." The game was soon captured, and R. gener-

ously divided it with his starving companion. At the conclusion of their scanty feast, B. said to R.: "You are much stronger than I am, and you will probably survive me: now, if I die, what will you do with me?" "Eat you, sir: eat you!" was the emphatic reply. B., in his subsequent narration of the incident, said that the idea was so abhorrent to him that it nerved him up until their escape was made. The families were rescued, and they came down the Columbia River to the Willamette Valley, while most of the stock was left on good pasturage east of the mountains. R. and B. have long since been gathered to their fathers. Their trials, difficulties and dangers are over. May they rest in peace!

Crossing the Sandy we arrived at Foster's, situated at the west end of the Barlow Road and at the western base of the Cascade Mountains. We were now in the great Willamette Valley. What a change presented itself! Here were green fields, meadows and pasturage lands. The breezes were moist and balmy. For over three months we had been crossing over scorched and desolate plains, encountering quite a number of sunburnt, treeless and waterless deserts. In this valley vegetation of all kinds was luxuriant and the smaller fruits abundant. For over three months we had eaten no vegetable food, and we never before so warmly appreciated the beauty and poetry of beets, onions, cabbages, potatoes and carrots. I remained in the vicinity of Foster's for four days. On the evening of the fourth day a rancher by the name of Baker, who lived on the Clearwater offered me employment. He had let in the sunlight on about ten acres of very fertile soil in the dense forest. This he cultivated in vegetables. He took a canoe-load

every day to Oregon City, distant about five miles by his water route. My business was to prepare these vegetables for transportation, for which I received five dollars per day; but one morning he set me to rail making and after working a day at it I struck. He was much amused at my rail making performance. He asked me if I could shoot well; I answered that that was just to my hand. So the next day we took our rifles and went up the creek-bottom and found deer very plentiful. I shot two fine bucks while they were bounding away, and Baker was much pleased by my ability in this line; so he offered me six dollars a day for every day that I would furnish him, on the bank of the creek, two deer. I successfully did this for ten days, when, the game becoming somewhat scarce in that vicinity, he wanted me to go out some six or seven miles into the foothills of the mountains. This proposition carried with it so much loneliness and isolation, that it was declined.

While wandering through the valley of the Clearwater and the adjacent hills, I was much struck with the wonders of petrification. I saw huge fir-logs, petrified. I can never think of what I then saw without recalling a story which I heard while delegate to Congress, and at Washington City. Congress always makes liberal appropriations for the investigation of the flora and fauna, and the mineral indications, as well as the water supply or rainfall, in the territories, and in the desert portions of the United States. Rugged old Ben Wade, while a Senator from Ohio, always opposed these appropriations as a waste of the people's money in what he styled, bug-hunting expeditions. Two scientists, eminent for their learning, and known as Major Hayden and Captain Powell, were usually employed in

these explorations. The Major was said to be something of a martinet, while the Captain was an excellent judge of human nature, and had plenty of what the Philosopher Locke called "round-about commonsense." While on one of these scientific exploring expeditions these two gentlemen were in the mountains near Pike's Peak. That country abounds in fine specimens of petrification. One day the Major met a company of miners, and related to them the wonderful specimens of petrification seen by him that day. The miners listened with eloquent, but I fear insincere, attention to the Major's statement. When he had concluded, one of them said: "If you will go with me, Major, to the other side of the ridge, I will show you a specimen of petrification that discounts anything you have seen today." The Major listened while the miner said, that at the base of a nearly perpendicular wall of rock, extending upward several hundred feet, there was an Indian with a rifle in his hand pointing at an angle upward towards the rock; that both Indian and rifle were petrified; that the smoke around the muzzle of the gun was petrified; and, what was more wonderful, that a short distance from the muzzle of the gun a cougar was petrified right in the air. The Major showed some uneasiness as the story proceeded, and said at its conclusion: "I was inclined to believe you when you began, but now I know you are lying." The miner softly put his hand to his pistol, but, relenting, said: "You are a tenderfoot and I forgive you; but why did you say I was lying?" "Because," said the Major, "I know that the laws of gravitation would bring that cougar down." "The laws of gravitation be damned," said the miner, "they were petrified too."

I visited Oregon City with my friend, and observed

the beautiful falls of the Willamette and the waste of electrical and mechanical power. Returning to his humble home, I bade him the next day a regretful good-bye, and with my horses started for a point in Mill Creek Valley, six or seven miles south of Salem, to the home of a friend with whom I became acquainted on the plains. This friend had taken up a claim, and I found him busily engaged in the erection of a building which might be styled in architecture as a midway between a dwelling house and a cabin. He had determined, as soon as this structure was completed, to go to the mines in Southern Oregon. I also concluded to try my luck in digging for gold. In the latter part of October, 1852, in company with two other gentlemen, we started for the mines in Rogue River Valley, Southern Oregon. The habitations in the Willamette Valley at that time were few and far between. Large bands of Spanish cattle roamed over, and found ample food in the upper portion of the valley. It was dangerous for a footman to pass through that country. On horseback he was safe. But little of interest occured on this trip. My friend claimed to be and he was an expert rider. He had a large and powerful Spanish horse as his riding animal. While in the Umpqua Valley he mounted this horse one morning without saddle or bridle on a steep hill. The horse viciously resented this breach of etiquette and plunged with stiff-legged vaults downward and sideways on the steep incline, throwing his rider over his head. The rider struck with his full weight and the momentum of the horse's motion, on his right hand, throwing the small bones, to which some of the muscles of the inner arm are attached, out of their sockets at the base of the palm of the hand. The tend-

ency was for these muscles still further to contract—thus aggravating his injury. The nearest doctor was fifty miles away. Upon examination, I concluded that these small bones ought to be forced into their proper place, if possible, before inflammation intervened. We accordingly placed the injured man upon his back on the ground, and as the operation would be very painful, the others held him securely while I forced these bones back into their sockets. Then we bound the wrist tightly, so as to keep them in place. When we arrived at the Doctor's he, after an examination, complimented me highly for my surgical skill, and gave me credit for saving the wrist of the injured man. On our way to the mines we passed through what is known as the Canyon in the mountain-spur that separates the Umpqua country from the Rogue River county. People now passing through this canyon scarcely appreciate the difficulties attending the passage which then existed. The canyon is formed by two streams, both heading in a small pond or lake at the summit of the mountain; the one that flows northward is called Canyon Creek. It was then crossed eighty-four times by the road. The other stream flowed southward and was crossed by way of the road over sixty times. In the rainy season, and especially when the mountains were covered, or blockaded with snow, the passage was almost impossible. The passage was strewn with the wrecks of wagons and the bones of horses and mules. Subsequently, Congress made an appropriation of $40,000 for a military road through this mountain gorge. This money was faithfully expended by General Hooker. The distance through the canyon is about nine miles. General Hooker built the military road on the side of the mountain. In quite a number of places you

can sit in the stage and look down into a nearly perpendicular and sunless abyss hundreds of feet in depth. Large sums of money have since been expended by toll corporations, to keep this military road passable and in repair.

We arrived at Jacksonville, in Southern Oregon, in the first part of November.

To a person who prior to that time had always been accustomed to a different order of society, and who had never visited the mines in the palmy days of California, a new social order was manifest. I state the facts and the impression they made upon me as a tenderfoot; but I ought to add that since that time, having become somewhat familiar with such scenes, my moral sense has toughened, so that my ability to "endure" is far greater now, than then, though my judgment as to the ultimate moral result of such a social order has never changed.

There were in Jacksonville and its immediate vicinity from seven to eight thousand men, possibly more. The coat as an article of dress had fallen into "innocuous desuetude." Soft slouch hats were universally worn. There were but a few women, and most of them not angelic. The mines were rich, money was abundant, and gambling rampant. I ought not to omit the dance-halls that pointed the lurid way to perdition. I said that money was abundant; I do not mean by this that much United States gold coin was in circulation. There was a five-dollar gold piece that had its origin in Oregon. It was stamped on one side with the words "United States of America," and on the reverse side with the impress of a beaver; hence, it was called "beaver money." It was of the same size of the minted half-eagle, but contained more of gold. The other

piece of money in circulation was octohedron in shape or form. It was stamped on one side the same as the beaver money, and on the reverse side were the words "Fifty Dollars." It contained more gold than the same weight of minted coin; but the money used in nearly all transactions was gold dust; hence, every merchant, saloonkeeper or gambler had his gold scales at command. Gold dust had a standard value of sixteen dollars per ounce, and purchases were paid for in gold dust. There was some silver in circulation, but the lowest denomination was twenty-five cents. A drink of milk, glass of beer or any other liquor, was twenty-five cents. Sunday was partly a laundry day, but mostly a gala day. Mining ceased on that day. All came to town to see the sights, to hear the news, to try their luck at the gambling tables, or to purchase supplies for the coming week. This day was a harvest day for the gambler, the saloonkeeper, and the merchant. While there was a large quantity of alcholic beverages consumed, drunkennes was at a minimum. Nearly everyone carried a pistol in his belt, and a sheath-knife in his boot. Homicides were not frequent; this was due to the character possessed by the great body of miners, who acted on the great law of honor, and to the fact that to call a man a liar or to impeach the honor or his origin, or to use towards him any epithet imputing dishonor, was to invite the contents of a pistol into the accusers physical economy. The laws of chivalry and honor were the only laws obeyed in such matters. This kind of society, rough and uncouth in its exterior, had a strong basis in the nobler principles of a chivalric manhood. It had also a poetic side, being composed principally of young men; it did not suppress the finer impulses and feelings of their

better nature. As an illustration: there was located in the valley a family, consisting of husband and wife and two children. They had quite a number of cows and kept milk for sale. A large number of young men used to visit this family every Sunday for the ostensible purpose of buying milk, when the real purpose was to see someone who had the form, the purity and the affection of a mother. When they left the humble abode of this mother, they talked of their own mothers, of home and its sweet recollections. The strong ligaments of a mother's love serves as a moral anchor to them in the billowy storms of life even, far away from that mother.

Personal property of great value, such as gold in sluice boxes, though unguarded, was perfectly secure. The sneak thief, the burglar and the robber were conspicuous by their absence. Probably the certainty, promptness and severity of the punishment deterred their visitation.

There were no churches in that mining town, and religious services were infrequent. I remember one incident in this line: A Methodist minister, by the name of Stratton, came over from California and notices were posted that he would preach the next Sunday. There was a large building in process of erection for a gambling-house on the opposite side of the street from the principal gambling saloon. The roof was on this new building and a large party of us, desiring to hear the Gospel again preached, fitted up this hall with seats from the unused lumber. The minister had a large audience, the seats were all filled and hundreds stood on the outside of the building. He was an able and eloquent man and presented the simple story of the Gospel in a very forcible and earnest manner.

When he had concluded his sermon, the contribution-box was passed around and carried across the street to the gambling saloon, and they all contributed liberally, some of them dropping into the box a fifty-dollar gold piece. As soon as he had pronounced the benediction, two mounted auctioneers, one desiring to sell a horse, the other a mule, requested the audienc to remain while they offered them bargains and cried the virtues of these animals. Most of the audience did remain and the bidding was quite spirited and animated; so you see that that congregation had an opportunity to hear the Gospel, to buy a horse or a mule, as each man's wants might demand.

Civil government had not been extended over that section of the country. The only system they had was the Alcalde system. This was borrowed from California, and by the Californians was borrowed from the mining jurisprudence of Spain. Every mining community of any considerable size had its Alcalde. He held his office by election, and his jurisdiction swept over the entire field of jurisprudence. There was no appeal from his judgments or decrees. Jacksonville and its mining community had such an officer; his name was Rogers. I think he was a lawyer, but had long since ceased to practice. He was a grey-headed and venerable-looking man. He administered the unwritten and the unclassified law of justice and equity as it appeared to him from the facts of each case heard by him. His judgments and decrees were promptly enforced; but there came a change. In the fall of '52 four men in the Willamette Valley formed themselves into a co-partnership for mining purposes, and with their horses and provisions went to Jackson Creek to try their fortune at mining. At first they were not

successful. Provisions running low, they dispatched one of their number to the Willamette Valley with their horses to bring in an ample supply of provisions for the fast-approaching winter. This partner, sent on such a mission, became acquainted on his trip with a blooming damsel who had just crossed the plains. He made love to her; she reciprocated, and they were married. The season had far advanced when the honeymoon was over. He brought, however, on his delayed return an abundant supply of provisions. His partners during his absence, had located some claims, opened them and found them very rich. But on his return, while they accepted the provisions, they denied to him all accounting, and refused to acknowledge his interest in the new-found claims. He brought an action before the Alcalde for an accounting and for the affirmation of his interest in the claims. The Alcalde, after hearing and fully considering the facts of the case, granted both of the petitions. Up to this time I had had no employment in the case and had taken but a general interest in it. The defeated parties called a miners' convention, whose declared object was the election of a judge of appeals for that and other cases. My connection with the case commenced at this point. I was employed by the successful party before the Alcalde, and by others, to oppose this movement. At the appointed time nearly all of the miners of Jackson Creek and its vicinity assembled in convention at the appointed place. The feeling for and against the proposition was quite intensified. After the convention was organized I arose and with some trepidation addressed the large crowd. I was listened to throughout with silent and respectful attention. I took the position, first, that inasmuch as the machinery of civil govern-

ment had not as yet been extended over that district of the country, the Alcalde system prevailed, and thousands upon thousands of valuable properties had changed hands by virtue of the Alcalde judgments and decrees and their enforcement, and the property rights of many were dependent upon the validity and stability of such judgments and decrees, all would be endangered by the proposed change; that his ministerial officers might be subject to prosecution; that under such circumstances we had better stand upon the records of the past,—records as old as the institution of mining in the United States. I further argued that if we attempted to complicate affairs by the election of a judge of appeals, and possibly by the institution of other tribunals for the correction of error, we turn a system simple in itself, and beneficent in its operations in the past, into a complicated farce. I argued in favor of the probability of the Legislature, when it extended its machinery of civil government over that section of country, passing an act validating the judgments and decrees or providing for a liberal mode and time for an appeal from them. My last point, omitting others, was that this movement had its origin in, and promotion by, the parties defeated in the Alcalde's court. If they had the power to secure a determination in favor of a court of appeals they certainly had power to elect the judge of appeals; that as this would be the first case to be heard by him, they certainly would not elect a judge who was not favorable to their interests; and that it had the appearance to me of a court organized to convict or to reverse. I pushed this point with every reason and every illustration and consideration that I could command. I appealed in conclusion to their native sense of jus-

tice and equity, and closed after speaking a little over an hour. I was roundly applauded. My opponent was what was known in the States as a pettifogger. I use this term not opprobiously. He was an old miner and possessed the power of rough-edged ridicule and philippics. He thought that the best way to answer my argument was to annihilate me. His description of a beardless tenderfoot coming all the way from Michigan to teach veteran miners what they ought to do, or ought not to do was certainly amusing, if not overdrawn by its exaggeration. He was frequently applauded by his side. When he was through the voting commenced. The contending forces arrayed themselves on each side of a line with a space of four or five feet between them. The pulling and hauling across the space was continuous. After several efforts to make an accurate count, it was reported to the President that there was a majority of from three to ten in favor of the proposition. The next move was to select a judge of the court of appeals. This was soon accomplished. The judge so elected notified the parties of the time and place where the appeal was to be heard. At the appointed time I appeared and filed a written protest and demurrer to his jurisdiction. When I had finished reading them he promptly, and without hearing the other party, overruled both protest and demurrer. He heard the case anew and promptly reversed the judgment of the Alcalde. I think this was the only case the judge of appeals ever heard. Nothing but the dignity of the office remained. In after years I became well acquainted with said judge, but I never mentioned the subject to him. A more extended account of this affair is given in one of Bancroft's histories of the coast. The record or papers filed by me in this case,

I have been informed, are in the archives of Jackson County.

Two incidents occurred late in the fall of '53 which as they are somewhat historical in their character and results, may bear narration. Rogue River Valley was unoccupied and afforded abundant pasturage for horses and mules and horned cattle. Some enterprising fellow had just pre-empted all of that portion of the valley west of Bear Creek, and received stock for pasturage on that pre-empted domain, at so much per head. Late in the fall, four fine American horses had been stolen from this pasture. The theft was immediately attributed by the owners, and by the keepers of the stock, to the Indians. A party of hot-headed fellows, headed by the owners of the lost horses, went to the Indian Ranceree on Rogue River and took four of its younger men as prisoners, or rather as hostages—threatening to kill them if the stock was not delivered within a week. The hostages were brought to Jacksonville and strictly confined until the time should elapse. This action created great excitement among the Indians, and to save the lives of their companions they hunted for the lost animals in every direction, but could find no trace of them. The Rogue River Indians gave it as their opinion that a band of Klamath Indians but recently in Rogue River Valley, on a trading expedition, had stolen the horses and driven them across the mountains to the Klamath Lake country. The fatal day arrived and the horses were unfound; and the determination was expressed by a large party of miners, reinforced by the gambling element, to carry the threat into execution. One of the Indians asked that he might talk to the whites before he was led out to execution. His request, after some

considerable opposition, was finally granted. His speech was interpreted into English and ran, as far as I remember it, about as follows: He said that neither himself nor his companions had stolen the horses, and that they knew nothing about their loss; that the white man did not claim that they stole the horses, but they were to be killed because others had stolen the white man's horses, and neither they nor their friends were able to deliver them up to the white man; that the Indians had always treated the white man kindly—when he was hungry they gave him something to eat—but the white man had taken possession of their country, had driven the game far away into the mountains, had decreased the number of fish in the rivers and streams by muddying their waters, and had by the tramping of their horses and cattle destroyed the Kamas and Kouse upon which they largely subsisted and had entirely destroyed the grass and other seeds which they gathered in large quantities for food; that he felt like one wandering alone in the deep fog and dark timber on a mountain side, and he heard the voice of the spirits of his fathers calling to him "be quiet and brave; the Great Spirit will avenge you." He closed. Someone moved that the punishment be mitigated to whipping. I protested against any punishment at all, but voted for the mitigation. The motion carried; the poor innocent Indians were led away to receive the punishment; but I must say that the executioner of the sentence did not lay on the lash in a severe and brutal manner. The Indians were told to go; and they stayed not on the order of their going, but left with good speed. Such unjustified acts are pregnant with trouble, and the Indian war followed soon after.

There lies east of the southern portion of Rogue River Valley a wide slope of land free from timber and ending at the rim of the mountain, and beyond and easterly from which—there is a high mountain table land—covered with fine green timber, among which sleep verdant valleys whose arms extend like the radius of a star, in every direction. Some of these valleys are wet and marshy, while others are dry and produce a rich and abundant growth of bunch grass. There was a large number of stock pastured in this section of country. Occasionally a small band of the fattest and largest steers would mysteriously disappear from this range. The number disappearing increased each successive year. The cattle men became alarmed, and organized an armed and mounted patrol to keep guard and watch over their stock. In the fall of '51 it was reported that some five or six fine steers were missing from their accustomed range. A search was immediately made and the trail of the missing cattle discovered. It led over the rim into the mountain basin or plateau, above referred to and across a marsh, now, and from this circumstance, called Dead Indian Prairie, and up a narrow arm of the prairie to a mountain culmination in a lonely spot, surrounding on nearly all sides by a dense growth of tall chapparal brush. Here the carcasses of the cattle, also the bodies of three Indians were found, with all the indications that they had been recently killed. These patrol men said that they also found the meat of the slaughtered cattle on platforms, with a slow fire of hardwood still burning beneath them. Thus the process of jerking preparatory to packing was in full operation. They gave it as their opinion that the cattle had been stolen by Klamath Indians, and that a party of predatory Modocs came

upon them a short time before the patrol men appeared, and, finding a good opportunity to supply themselves with food, shot down the Klamaths; but that before they could appropriate to themselves the booty, the whites made their appearance and the Modocs hid away in the chapparal brush. This theory was received by their employers as rational and satisfactory. In '58 I visited this country for the first time—having heard the story, I sought the spot where the tragedy occurred. There were still the bleached bones of the cattle and the whitened skeletons of three Indians. The platform was still standing, and the extinguished brands of charcoal and the ashes, of the vine-maple fire still existed.

It was late in the afternoon. The sun was fast disappearing behind the western hills. I hesitated for a moment whether to take a long route by way of the narrow prairie to our camp, or to go down the brush-covered mountain sides and thus cut off at least a mile of the distance. The side of the mountain down which I determined to go, was said to be infested with grizzly. I examined my rifle and pistol, to see if they were in order and then with rapid strides commenced the descent. When about half way down I heard a rustling in the brush to my left; I turned and looked in that direction, and saw two large grizzlies on their haunches attentively surveying me. My first thought was to shoot; but as my rifle was a muzzle loader, I concluded that discretion was the better part of valor, inasmuch as there were two of them—hence I stood quiet till they dropped out of sight in the brush. I did not allow the grass to grow much under my feet, as I dodged through the chapparal brush to reach the prairie beyond. I am convinced that I could have killed

one of them, but what to do with his enraged mate, was the question. I remember the answer of a young man, who, while hunting, came across a grizzly probably in her own jungle, in about the same way. He was asked why he did not shoot; his answer was, that it would be some honor for a man to kill a full grown grizzly, but a far greater honor for a grizzly to kill a man.

This great basin—circular in form and some eight miles in diameter—has been visited by me in connection with hunting parties many times since. It is, or was in former years the hunter's paradise; but I am informed that the cattle men—the pre-emptor, and the homesteaders, and timber monopolizers—have extended their dominion over the luxuriant grass-producing prairies and the magnificent forests of pine, fir, hemlock and larch, and have driven the game far back into the fastnesses of the mountains. The Indian kills only to satisfy his wants and with only imperfect instruments of destruction; he did not menace the entire extinction of the beasts of the field and forest, hence game of every kind existed and multiplied all around him; but to the white man, armed with a repeating rifle, and fired with a devouring avarice their doom is fixed. Nothing but the intervention of the strong arm of the law can avert the decree of annihilation. Having alluded to this matter once before in these sketches I will not pursue it further here.

Black-tail deer were abundant on this mountain plateau, and it did not take long for a party of good shots to obtain all the venison desired. We did not kill for the mere love of slaughter, but for food and for the attendant excitement and recreation of hunting.

There roamed through these forests numerous small

bands of elk; I say small bands, for I have never seen them here in such large herds as I have seen in the Coast and Olympic ranges of mountains. They seemed to exist here in family groups, ranging in number from three to seven or eight. I counted one group, however, numbering fifteen, in an exploring expedition in the dark woods near the base of snow-crowned Mount McLaughlin. I had a fine opportunity to shoot a good sized buck whose head was crowned with large and fine antlers; but was so distant from camp and the ground was so rough and difficult of access, that I forebore, and seated myself on a rock to study their habits and to watch their movements. These small bands were quite difficult to find, for the elk is a great roamer, but with pluck and perseverance, and the discomforts of sleeping on their trail perhaps for one night, we were usually successful, unless the trail led into the impassable breaks in the mountains.

The bear family was well represented in this mountain plateau. The black, the brown, the cinnamon, the grizzly and what is known among hunters as the mealy-nosed brown bear, were plentiful. This last species of bear, if it be proper to call them a species, I have always thought was a cross between the grizzly and the brown bear. His nose or muzzle up to his eyes is nearly white. Like many crosses, he inherits all the bad qualities of his progenitors, and seemingly, none of their good qualities. In size he is between the grizzly and the brown bear. While most of the species of the bear family will run on the approach of man, unless one comes upon them suddenly in their patrimonial jungle, or a female with her cubs, the mealy-nosed bear is inclined to stand his ground, and to resent any crowding upon him. Doctor Livingston says, in his

Book of Travels in Africa, that if you come upon the lion in the day time, he will face you and quietly look at you; and if you stand still he will in a short time turn and look at you over his shoulder, and then commence easily to move away, and when he thinks he is out of sight he will bound off with accelerated speed. The mealy-nosed brown bear acts very much in the same manner. Hunting parties sometimes have with them a leash of trained bear-dogs, and they always close the hunt in a chase for bruin. There is in this kind of sport a dash of danger, that makes it all the more exciting.

Hunters, like poets, are born. Keenness of vision, presence of mind in case of conflict or danger, together with steadiness of nerve, are the essential characteristics of a true hunter. No practice or exercise can fully supply these qualities. I could narrate many exciting and dangerous conditions, or situations, arising from the want of some of these qualities; but as the actors may be living, I omit them.

I am at liberty to narrate only my own acts and mistakes. I cannot omit from these sketches the first grizzly killed by me. Myself and companion were camping on Dead Indian Prairie, when we were informed that there were some fresh elk-tracks near a large wet prairie some three miles from our camp. We started out to hunt for these elks. We went up a narrow prairie through which flowed a small brook to a larger prairie through which this brook also flowed. The brook was fringed on each side with a thick growth of willows from three to five rods in width. We hitched our horses near the larger prairie, and my companion was to go carefully through the timber on the right hand, while I was to cross the brook and carefully

scout the timber on the left hand. Shortly after I had crossed the brook and got a good view of the prairie beyond, I saw a large grizzly feeding near the outer line of the willows. He was some sixty or seventy rods away. I considered for a moment, my plan of action. I had left my pistol at the camp and had only my rifle and hunting-knife. I kept in the timber out of sight until I got opposite to him and probably about forty rods away. Grass on the prairie was tall, and I concluded that as I only had one shot, I would get closer to him; so I crawled through the grass towards him until I was possibly twenty rods away. He commenced to act as though all was not right, and he stood listening, reared upon his haunches, and snuffing the air. I began to get a little nervous. I desired to get a shot at or near the butt of his ear. While he was listening, however, he kept turning his head from me and towards the willows. I concluded that I could strike his heart, and quickly brought my rifle in position, and fired. He fell to the ground; I arose to my feet and commenced to reload. My rifle was muzzle-tight, and I had to carry in my pouch a bullet-starter. Having got the powder in the gun and started the ball, just as I pulled the ramrod he arose to his feet. As I was in plain view, he started directly for me. Casting my eye around, I saw a hemlock tree, with pendent limbs, some thirty or more rods away. I started for it with all the speed I possessed. As he was running on a kind of circle hypothenuse, I could see that he was rapidly closing the space between us. He was probably fifteen or twenty feet from me when I dropped my rifle and leaped for the branches of the tree. My aspirations were lofty just then. Had he come on, he might possibly have gotten me, but I was soon out

of his reach. He stopped to grasp my rifle and shook it violently. It was a half-stocked rifle, and he bit off a portion of the stock. He stayed around the tree some three or four minutes licking his wound, which I subsequently found was less than half an inch too high. It was a mortal shot, but did not produce immediate death. He suddenly leaped to his feet and dashed off to a thicket of chapparal some twelve or thirteen rods away. I descended from the tree, found my rifle to be in an effective condition, rammed down the ball, put on a cap and ran for a tree standing outside of the chapparal brush—listened and looked; and I quickly saw him. He had run into the forks of a felled tree and had all the appearance of life. I fired at the butt of his ear, but he did not move. I reloaded and carefully approached him and found him to be dead. He was poor, but was estimated to weigh some two hundred and fifty or three hundred pounds. We took his pelt, and after a good deal of persuasion and blindfolding my riding-horse took it into camp.

Moral: no man has the right to hunt grizzly bear with a muzzle-loading rifle and muzzle-tight at that.

I have several times since then, either alone or with a hunting companion, met them, and with a Remington repeater found no difficulty in commanding the situation.

The winter of 1852-'53 was distinguished for—so far as the memory of the oldest inhabitants recalled—its unprecedented deep fall of snow.

Rogue River Valley is rimmed around on all sides by high ranges of mountains. These mountain ranges were rendered impassable for pack trains or other modes of transportation. The supply of provisions in the mines grew less and less, until it was nearly ex-

hausted. Flour and beef, the staples of the miners' diet, went up to a dollar a pound and more; salt was worth nearly its weight in gold. This was the result of a corner, however. In these circumstances myself and three partners, who had purchased some mining claims a considerable distance down Rogue River, took our blankets, rifles and a scanty supply of provisions on our backs and started for our claims. It was with some difficulty that we were able to reach them. They were gulch claims, and if intelligently worked under fair conditions of the weather would yield about an ounce a day to each laborer. We commenced work on them, but the weather was so inclement and the snow fall so continuous that we suspended. I ought to have stated that there was quite a good log cabin on the claims. My partners all claimed to be good hunters, but showed no disposition to try or show their skill in that regard. I did all the hunting and succeeded in keeping the camp quite well supplied with venison. I finally tired of their masterly inactivity, and my strenuous work in wallowing about in the snow.

I also ceased hunting. The provisions were soon exhausted. Nothing was left but coffee and sugar, of which we had a fair supply. With a drink of strong coffee well saturated with sugar, and jolly in spirit, we treated the situation as a huge joke. We all started out for venison. I saw nothing during the day, but frequently heard the report of the rifles of my partners. Each shot was full of hope. We all returned quite late in the evening, and the report of nothing killed was somewhat dismaying. We made, however, a cup of strong coffee—told our best stories, then rolled ourselves in our blankets to dream of home, and of our

father's house, where there was bread enough and to spare. We rose early the next morning, taciturn and sad; not much conversation was indulged in. Each, after his breakfast of coffee and sugar, took his own course into the woods, while I had my accustomed ill luck of seeing no game. I heard reports of my companions' rifles, but their echoes did not carry with them much of faith, or hope. I returned quite late that evening and found my companions all in the cabin. Things began to look serious. We took our accustomed coffee and sugar, and soon retired to our bunks to dream of tables loaded with provisions; but some fatality always prevented us from reaching them. I was hungry, and while slowly working my way through the snow to the cabin I looked anxiously for some bird or squirrel that I might kill and eat. The next morning we held a short consultation to determine whether it was better to leave, or to make still further efforts to obtain provisions. In the afternoon of that day I saw a large buck and three does in a clump of brush above me on the mountain side. They were too far away for an effective shot—so I slowly approached them. They saw me and were somewhat disturbed by my presence. They could not go higher on account of the increasing depth of snow. I was lying on the snow with my rifle in position, watching an opportunity for a successful shot. All at once the buck left the clump of brush and came plunging down the mountain side, attempting to pass me some eight rods to my right. If I ever looked through the sights of a rifle with a desperate determination, it was then. I fired when he was nearly opposite me, and he plunged headlong into the snow. I had struck him fairly in the heart, and life was immediately extinct. I got to him as soon as

I could, after reloading my rifle, and cut out of his ham a piece, which I ate while it was still warm. It had the same effect upon me for a short time as a drink of strong brandy has upon an empty stomach. I cut off the saddle, threw it over my shoulder, and started for camp. It was in the dusk of the evening when I arrived. My partners were there, and when they saw me coming said nothing, but with a fixed gaze, as though to be certain of relief, fairly grabbed the saddle from my shoulders, rushed into the cabin and began to roast and eat. The roasting was not overdone. About midnight, for fear that wolf or cougar might find the portion left on the mountain side, they took my trail to where it was, and brought it in. We stayed about a week longer, but I had no difficulty in killing an abundance of venison. I did the hunting; my partners did the packing. On the last day of our stay I killed three deer, and with the echo of my last shot, the ghost of starvation, which I had imagined was standing on the clouds and pointing Willametteward, disappeared in thin air.

Resting for two days, and in the meantime having received an offer for our claims from a company mining on the bars of Rogue River, my partners were anxious to accept the offer. I first opposed it, but finally consented. My partners were not only tenderfeet, but they were subject to periodic attacks of cold feet. I drew the bill of sale, and each partner took his $250 in gold dust. It was an unwise transaction, for the claims were worth much more. We all determined to go to the Willamette Valley. When we arrived at the road we found that many miners, especially of those living in the Umpqua, or Willamette Valley, were returning home. The second night we stopped at what

was called a hotel, about four miles south of the mouth of the canyon. It rained hard and continuously all of the second day of our journey, and we wallowed through the slush, snow and water until about 11 o'clock p. m. before we reached our stopping-place. The next morning early, twenty-five or thirty of us were at the southern mouth of the canyon and on the creek that flows south. We found it a dashing, foaming and roaring torrent, but it had to be crossed; so eight of us, with strong poles in our hands, standing in a line, elbow to elbow, moved slowly and in unison through the tumbling waters. The worst, so far as that creek was concerned, was over. The other crossings were made without so much difficulty, or danger. It rained continuously all day. We arrived at the little lake on the summit about noon. There we commenced the descent of Canyon Creek proper. This has a larger, deeper and more furious current. The first crossings were accomplished without much trouble or peril; but as we descended the mountain its volume increased and its current became so swift and strong, that we were compelled to make our way, the best we could, on the steep mountain side. We crawled under logs and over logs, and in dangerous places hung onto brush to steady us. I was among the first to reach the hotel near midnight of that awful day, tired, wet and hungry. We were now in a land of plenty, and although we paid a dollar each for one meal of good, plain, solid food, we did not begrudge it. The next day we made a camp in an old deserted shack in the valley and remained there for about a week. The flood had swept away all the ferry-boats on the South Umpqua, and there were no means to cross that swollen and rapid river. The ropes, or cables still remained, however.

The owner of the ferry offered eight of us board, and a place to sleep in his barn, if we would assist him in the construction or rather digging out, of a canoe from a huge log which he had selected for that purpose. We accepted his proposition, and experience soon showed that most of those who had accepted his offer were quite good mechanics. One of them, who was a wagon maker by trade, was elected as boss, and every day, by the continuous stroke of ax, adz and other tools, that canoe began to assume the shape and form of the real thing. It was full thirty feet in length, and of several tons capacity. It might be classed a giant in the canoe family. It was placed upon an extemporized sleigh, and two yoke of oxen drew it to the river bank. The wire or rope extending across the river being intact, the next day the builders of this ark, or most of them, and the ferryman with his two sons, launched it; and we having deposited our blankets in it, the owner, seated in the stern, acted as captain, while two of the strongest men in the party took hold of the rope and by a hand over hand motion, to keep it straight in the current, thus attempted to work it across the river. But when the stronger current was encountered, it became impossible to hold it without filling it with water, and the command was given to let go. It rapidly shot down stream, but the captain succeeded in steering it into the willows on the side where we desired to land, though a considerable distance below, and we all seized hold of the willows and succeeded in making a landing. Had we gone down stream much further, we might have been compelled to take an ocean voyage; but all is well that ends well. The captain and his two sons thought that they could reach the further shore by running diagon-

ally across the current. We stood upon the bank and watched the operation, and saw that it was successful. I have stated probably with too much particularity this incident in order to show something of the hardships, as well as joy, of pioneering.

The trip across the Umpqua Valley and down the Willamette was a continuous wade through slush, and mud, and the steady downpour of the garnered fatness of the clouds. I had for my companion a, seemingly, intelligent man, but a pronounced pessimist, bordering on the anarchistic type. His gloomy philosophy of life added a moral chill to the prevailing dampness. I gladly bade him adieu in the hills south of Salem, where I departed to the home of a friend. Safely arriving there, I rested and recuperated for ten days. I had adopted the maxim, never to pay board when I had the ability or capacity to earn it. I therefore considered what it was best to do, and I determined to teach school for a time, and then to return to Michigan. I drew up a simple article of agreement and went up into the Waldo Hills—that country being settled with families—to offer my services as a schoolteacher. The prospect proved to be not very encouraging, although I offered to teach a three-months' school for five dollars a scholar, and board. Three-days' effort secured but seven-and-a-half scholars. The afternoon of the third day was an alternation of rain and snow. I stopped quite late in the afternoon at the house of Mr. Waldo, the father of the late Hon. John B. Waldo. I freely stated to him the object of my visit, and he promptly told me that he did not care to subscribe. I stood for a time waiting for the storm to abate somewhat, when he suddenly asked me what State I came from; I answered "from Michigan." He

said laughingly that they wanted no more Michigan men, or men from the North to come to this country, for they had already, by their presence, changed the climate. After a moment I asked him from what state he came; he proudly answered, "from Virginia, sir." I laughingly replied "that if we had any more Virginians in this country I feared we would have neither schools, nor churches, nor any other agency of civilization." He said to me: "Walk into the house, and we will talk this matter over." We walked into the house; and as Cervantes' work, containing the exploits of Don Quixote, lay on the table, the conversation turned upon that. I was quite familiar with the work, and its absurdity and wisdom, and we discussed chivalry and its social aspect, as well as its system of land tenures, together with Sancho's judgment after he became governor of the island, and Don Quixote's profound maxims of government. By his invitation I stayed all night. He said to me the next morning that as a matter of courtesy, I should see certain friends whom he named, and that as there would be a meeting held in the school-house, which was also used as a church, he would have it publicly announced at that meeting, that school would be opened by me at that place, one week from the following Monday. I followed his advice, and at the appointed time there was quite a full attendance of pupils. Mr. Waldo was somewhat eccentric, but in him was embodied that principle of the Roman maxim, that true friendship is everlasting.

I ought possibly to have stated that the first person that I called upon in my educational venture was a baldheaded and sharp-visaged man, with a family of five boys, the youngest of whom was over ten years

of age. He told me that his oldest son had been almost through arithmetic, and that it would require some ability in a teacher to instruct him. I modestly informed him that I thought I could do it; but my assurances did not seem to satisfy him, and he only signed one-half of a scholar. During our conversation he told me that he was a poet, that he had crossed the plains in '45 and had written an account of the trip in poetry. He said he would like to repeat a portion of that poem; but before he did so he exacted from me a promise that I would give him an honest opinion of the merits of his poem. He was a weird and skeleton-like man, and rising to his feet, and with sundry gestures, repeated his poem to me. It was a hard matter for me to keep a solemn aspect on my countenance during this recitation. I only remember two lines:

> "The Soda Springs lay on our way—
> It makes good beer, I do say."

When he took his seat, I stated to him briefly some of the laws of poetic composition, and then showed him how his lines failed to comply with these laws; I added, however, by way of salving his feelings, that genius knows no law, and was not to be judged by ordinary mortals. He seemed a little nettled, and replied that he had repeated his poem to a great many people, who were scholars and good judges of poetry, and that they had pronounced it a fine performance. This ended the incident. Had my judgment been given before he signed one-half a scholar, it would probably have been one-tenth, or a still smaller proportion of a scholar. His boys all attended school, however, and he personally urged me to teach another quarter. On the last day of school, many of the parents came in and

paid me for my services, three hundred dollars, and hired me for six-months' more teaching at the same price. I taught in all about three years in that neighborhood.

My teaching career was in every way pleasant, and I have every reason to feel proud of the positions of honor and trust attained by at least three of my pupils, and by the general financial success and high moral standing of all. Judge Bellinger, late of the United States District Court of Oregon, was a pupil of mine for about a year. He was the son of poor parents, and by sheer force of intellect and study pushed his way to the front, and to the honorable position which he attained, and which he held at the time of his death.

John B. Waldo, recently demised, was also a pupil of mine for about two years. He was a sober, clear-headed, studious and somewhat taciturn boy, quick to perceive and prompt to act. He became judge of the Supreme Court of the State of Oregon for one term. His decisions are models of clearness, and directness. In addition to his store of legal learning, he probably knew more of the flora and fauna, of the mountains of Oregon than any other man. He was not a man of robust constitution, and his health was precarious. His death, in the prime of manhood, was deeply mourned by all who knew him.

Our own honored Oregon Dunbar, was also a pupil of mine. He was a frank, open-hearted boy, of determined will and intense application. He had what the great law-writer Bishop calls a legal mind—a natural perception of the relation of legal truths—and superior powers of classification and generalization. He is eminently a fit man for the position he holds on the Supreme Bench of Washington. Long may he continue

as a distinguished member of that Bench—and late may be his return to Heaven!

With such a triumvirate of integrity, high legal attainments, and judicial honor, a teacher may well feel proud. While it is the duty of the teacher to aid and assist his pupils and to impart instruction in the various branches taught, yet this is not his whole, or principal mission. His higher and nobler mission is to arouse into action all the latent forces and qualities of his pupil's nature and to inspire him with a noble ambition to conquer in the arduous conflicts of life. If he succeeds in the accomplishment of this, he has fully performed his mission.

After I ceased to teach public school in Marion County, I became the private tutor of the children of R., who was at the time Superintendent of Indian Affairs for Oregon and Washington. I also became to some extent his literary secretary. R., though not a learned man, had business capacity of a high order. In religious matters he was an agnostic, and he read more of Shakespeare than he did of the Bible. He was a man of inflexible integrity, and a capable and faithful administrative officer. He was much interested in Indian civilization, and talked much of it. He was of the opinion that the system of most of the churches was wrong in principle, and not fruitful in good results. He maintained that the first move in this work of civilization was to improve the physical condition of the Indian, and that the moral improvement would come as a slow, but necessary consequence. Being full of the subject, he concluded to call a council of the chiefs and the principal head men of the various tribes under his jurisdiction, and to impart to them his ideas in this behalf. The time was fixed, the place named

was the general council hall in the city of Salem, and notices were sent out requesting their attendance. R., while he had a good residence in town, usually spent most of his time upon his fine farm in the country. At the appointed time he invited me to go with him to the council and take notes of the proceedings. When we arrived at the council chamber we found from fifty to seventy-five Indians seated on the floor with their backs to the wall. After a general salutation, R. took a seat on the rostrum and requested an Indian whom he knew to act as interpreter. As the interpreter could not speak in the language of the various tribes represented, the jargon was adopted as the mode of communication—all the Indians understanding that. R. briefly stated to them the object of the council, and then asked the question, "Did they desire fine houses, fine horses and cattle, and plenty to eat and wear": R. was a very emphatic man and spoke in short and positive sentences. The Indian is a stoic, and if any emotion ever agitates him it is not betrayed in his countenance. I was much interested in the interpreter. He seemed to be full of his mission, and he imitated the tone of voice and gestures of R. Having asked the question, R. himself emphatically answered that all these things that he had mentioned, and which they desired, were obtained by "work." He reminded them that many of them had visited his fine house in the city, and had seen his fine furniture and other things, and he asked: "How did I get these things?" He again answered, "By work." Having concluded his short, emphatic and impulsive speech, silence prevailed for a short time. Finally a chief arose and with great deliberation adjusted his blanket about him; this being accomplished, he spoke as follows: "We are very

thankful for the good talk of our father; we will consider it; we cannot answer now." He suggested that one week from that time they would meet the good father at that place and tell him their conclusions.

We afterwards learned that they appointed what we would call a committee. That committee, in their investigations, when they found a man engaged in some menial employment and roughly clad, followed him to his house, found that it was a very humble abode, and was not filled with fine things; then they followed up the merchant, who had many fine things and wore good clothes, to his home, and they found a fine house filled with fine furniture; they also applied the same test to the saloon keeper. Neither the merchant nor the saloon keeper, according to their views, worked at all. On our way home from the council chamber I ventured to suggest to R. that most of the wealth of this world was in the hands of men who organized, or directed labor or work, and but a small pittance in the possession of those who actually performed the labor. I gave as my judgment that the Indian had no conception of this work of directing and organizing labor, and that he would not consider it as work at all. At the appointed time for the answer, the spokesman for the Indians narrated what I have briefly stated above, and announced very plainly and flatly as their conclusion, that what the good father had said was not true. R. was much disappointed at his failure to start a general movement upward in the line of Indian civilization. I am of the opinion that his feelings went farther and impinged on the domain of actual disgust. The subject of Indian civilization fell, henceforward, into innocuous desuetude.

Looking at the surface manifestations only, and

not having the ability to look deeper into that complex machine called society, we cannot be astonished at the conclusion reached by the Indian committee.

While I had the honor to represent Washington Territory in Congress, and by request of several members of the Committee on Indian Affairs with whom I was acquainted, and while the bill reported by them was under consideration and general debate was in order, I made a speech on Indian civilization. I shall not reproduce that speech here, nor give an extended synopsis of it. I commenced with the declaration that the philosophy of an Indian's life was to put forth an act and to reap immediately, the result of that act; that he threw a baited hook into the water, and expected to obtain fish; that he sent an arrow or a bullet on its fatal mission, and he expected game; that he did not plant nor sow, because the time between planting or sowing, and reaping—the gathering and enjoyment of the result of his work, was too distant; that it requires the highest degree of civilization to do an act, or to make an investment, the profits of which are not to be realized until the lapse of considerable time: that this primary law inherent in an Indian's philosophy of life is fundamental, and no system for his civilization can disregard it. My next cardinal proposition was that Indian tribes, if civilized at all, must be civilized along the lines of their past history, habits and modes of life; that some tribes of Indians subsist, and have subsisted for ages, on the products of ocean, lake and river; that these are sometimes called fish Indians; that to make appropriations to teach these Indians agriculture, or the successful operation of the farm, is a wasteful expenditure of public money; they are naturally sailors, and have carried the art of canoe

making and sailing to a high degree of perfection; their larger canoes are models of symmetry, safety and strength; that in them they fearlessly go out on the ocean a distance of 40 or 50 miles to obtain halibut, codfish and fur seals. Let the Government, I said, if it desires to civilize these Indians, build them a sailing-vessel of a hundred tons or more capacity, and they will almost intuitively learn to sail and manage it; it would act as a consort for their larger canoes and as a storehouse for the profits of the sea taken or captured by them; that with such a boat, the Neah Bay Indians, for instance, would soon become self-supporting. My views had a respectful hearing, and influenced to some extent the policy of the Government in that regard. A large number of copies of this speech were sent by me to the people of the Territory, and to all our Territorial papers; but none of these, so far as I know, noticed it further than to say that I had made such a speech. Copious extracts from it, containing its points, were published in many of the Eastern papers, while two published it in full. There was some discussion as to the soundness of my views, but generally they were approved. So far as the Neah Bay Indians were concerned, the Government did build a sailing-vessel of smaller dimensions, however, and many of the Neah Bay Indians have like vessels of their own, and have become, to a great extent, self-supporting and prosperous. The same policy in a modified form, but in fact the development of the same idea, was adopted by Rev. Wilbur, agent of the Yakima Indians; and these Indians, to a great extent, have given up their nomadic mode of life; they have small farms, and neat and comfortable houses; they have gardens, chickens and a large accumulation of domestic animals about

them. They are prosperous, and slowly moving along the line to a higher civilization.

Civilization is a slow process. It takes all the forces, moral, intellectual, educational and religious, now in successful operation, to hold the world from falling back and to move it slowly, but surely onward and upward, to a higher plane of civilization. While it is a tedious and arduous, if not an impossible task, to make a white man, in his habits and modes of life, out of an Indian, yet the descent of the white man to the modes, habits of life and appearance of an Indian, is a sadly speedy process.

In a trip I made to Colville, Washington, in 1856 there came into our camp one day a person whom I supposed at first to be an Indian. He was dressed in buckskin, ornamented with fringes and beads, with a blanket over his shoulders; his hair was long and unkept, with no hat on his head and his face bronzed like that of an Indian; and he was besmeared across the forehead with red ochre, or some other kind of paint. I should judge that he was 36 years of age. At first he refused to talk, except in jargon; but after a while, when we were alone, he became more communicative, and gave me something of his history. He spoke good English. He claimed to be a graduate of one of the Eastern Colleges, and I have no doubt his claim was true. He had gotten into some difficulty in the States and had been living as an Indian for some eight years, or more. To all appearances he was an Indian; he looked like an Indian and acted like one. I was in his company for some three days, and when alone he talked to me in good English; he said he loved this wild and nomadic life, with its perfect freedom from the shams and hypocrisy of so-called

civilization. He said that the hills, the mountains with their snow-crowned culminations, the dark woods, the silver thread of the stream viewed from an elevated point and fringed with green as it went leaping and rollicking to its ocean home, were to him an unwritten poem, the rythm of which he enjoyed, and the lines of which he was trying to interpret. He quoted to me from Byron the passage concerning the pleasures of the pathless woods, and from Bryant:

"Where rolls the Oregon,
And hears no sound, save his own dashings."

On the evening of the third day he rode away in the continuous woods to enjoy, I suppose, their poetry and solitude. This case illustrates the facility of the descent, by even an educated white man, to the level of an Indian; retaining, however, in his soul, still glowing, some of the lights of civilization.

While I was stopping at R.'s I wrote a series of eight articles for The Oregonian, showing the necessity of manufacturing crevices in the country to hold the gold taken out of the gold mines, and also that which was being brought in great abundance by its citizens from California. These articles were used by The Oregonian, by my implied assent, as editorials. The Oregonian was the leading opposition paper in the Territory, with Silver-Gray Whig tendencies. The leading Democratic paper was The Statesman, published at Salem, and owned and edited by Asa Bush, who was a sharp, pungent, and effective editorial writer. "Tom Drier," as the editor of The Oregonian was familiarly called, was an editorial writer of considerable ability. Drier usually added some introductory matter to my articles, and also some matter of ampli-

fication, or illustration. It was to me a matter of interest, and amusement, to note that the editor of The Statesman was always able to point out to its readers the matter written by The Oregonian's "hired man," and what was added by the editor. Bush did not know who wrote these articles, nor did anybody else know except myself, R. and the editor of The Oregonian. Bush spoke highly of these articles and enforced, in editorials of his own, the logic and necessity of the policy recommended by them. These articles had much to do with the establishment of the first woolen mills in the State of Oregon. These mills were built at Salem.

As the State of Washington is woefully lacking, so far as manufacturing is concerned, I am tempted to recall, with a Seattle application, one of the many facts embodied in the logic of those articles. Seattle has a population of 250,000, we will say. It costs at least $7.00 each for the feet clothing of such people for one year. This would give the sum of $1,750,000 for boots and shoes alone. When we come to add to this the value of the leather for harness-making, for belting and the other purposes for which leather is used, we have over $2,000,000 taken annually from the people of this city for leather, and its fabrics. The absurdity of this thing appears when we consider that we have a great abundance of hides, which are sold for a mere song, and are received back in manufactured articles. Our forests are rich in tanning; in fact, the raw materials of all kinds required are abundant. Any person by giving serious consideration to the subject will soon be convinced of its great importance, and the imperious necessity of action. As well might we ship the logs cut in our forests to foreign countries, or the Eastern States, to be manufactured into furniture, or

finished lumber, as to ship other raw materials away and receive their finished products back, paying for them the increased price, resulting from the labor performed upon them, and for the freight both ways. No country can stand such a drainage, and prosper.

It was in the summer of 1855, if I remember correctly, that I was nominated by an opposition convention to run as a candidate for the Lower House of the Territorial Legislature in Oregon. I did not attend the convention at which I was nominated, nor was I a delegate thereto. At first I hesitated about the acceptance of the nomination; but urged by my friends, I finally consented to run. The Territory as well as the County, was largely Democratic. The platform announced three cardinal principles: first, the most stringent regulation of the liquor traffic; second, America for Americans; and thirdly, the curtailment of public expenses and the cutting-down of salaries. The first and last of these principles I heartily endorsed; the second, in the know-nothing sense, and application, I was not in favor of; furthermore, I was opposed to secret political societies. I favored an open field and a fair fight. Having concluded to run, I went into the fight vigorously, and made speeches in nearly all of the precincts in the County. My canvass alarmed the Democrats, and they sent some of their best speakers after me. I met them in joint debate at times, and at other times I, alone, spoke. As the time approached for election, the excitement increased, and public interest in the campaign was very much aroused. I won, during the campaign, quite a reputation for a raconteur. A point illustrated and enforced by an anecdote or story becomes an integral part of a man's mental and moral constitution.

About the big bills, I told the story of the farmer who had a large flock of chickens and an equally numerous flock of ducks. He fed them with grain. He noticed that the ducks, on account of their larger and broader bills, were able to get more than their share of the food, and he came to the conclusion that in order to equalize matters, he must cut down their bills. This was just what I told the people that we proposed to do. One of the speakers sent out by the Democracy found fault with every proposition announced by me, and I answered him by the narration of the story of a friend who had not seen his quondam neighbor for many months. He was so pleased at his return that he provided a feast for him. Mine host had roast beef, roast mutton, roast pork and chickens. He says to John Doe: "Shant I help your plate with some of this roast beef, which is very juicy and fine?" "No," said John Doe. "I have come to the conclusion that a man who eats beef, becomes sluggish and stupid." "Then shall I help you to some of the mutton?" "No," says Doe, "a man who eats mutton becomes timid and cowardly." "Well," says mine host, "you will certainly take some roast pork?" "No," says Doe, "a man who eats pork becomes coarse and swinish." "Then you will take some of the roast chicken?" "No," says Doe, "of all the creatures used by man for food, the chicken is the most filthy in his diet of them all." Mine host, being somewhat disgusted, called to his son Sam to go out to the barn and get some eggs—"possibly this old fool would like to suck an egg or two."

Just before election, tickets were scattered all over the County with my name printed in every shape and form, and quite a number of these tickets had printed on them "for representative, O. Jaques." The can-

vassers refused to count for me the last named ticket, and this defeated me. There was no other man running whose name in orthography, or sound, resembled mine. Had these tickets been counted for me, they would have elected me by a small majority. I was urged to contest the election, but I refused to do it. My own opinion, as a lawyer, was that probably the judgment of the canvassing board was right; at least there was enough plausibility in its support to furnish an excuse to sustain the position of the canvassing board.

Not being entirely satisfied with the climate and country, and being desirous of visiting California and Mexico, before my return to Michigan, I quite suddenly, in the fall of 1857, concluded to make a start. What means I had were loaned out on demand notes. To my regret I found my debtors unable to respond promptly. I concluded, however, to go to Jackson County and there to await collections. I made the trip on horseback and most of the time alone. Approaching Canonville late in the afternoon one day I saw a lone horseman ahead of me, whose appearance indicated that he was a traveler. I increased my speed and was soon along side of him,—I said "How do you do, sir?" He turned a frowning countenance towards me and snarlingly answered, "None of your business, sir." I was not long in coming to the conclusion that possibly company was not desired by him and especially my company; so I touched the spurs to my horse and left him to his melancholy meditations. I might have been wrong in my conclusion, and I must confess that I felt a good deal as I suppose the fellow felt who was kicked out of the fourth-story window: after gathering himself up and finding that his physical economy, though

somewhat bruised, was intact, he came, after deliberate reflection, to the conclusion that possibly he was not wanted up there.

I stopped at a town in Jackson County, bearing the euphonious name of Gasberg. I rested there for a couple of weeks. The people of that settlement were contemplating the erection of a building for a high school or seminary; and they offered me $150 a month to teach a six-months' school. Mr. Culver, quite a wealthy gentleman, offered me an additional $50 a month to keep his books posted, a work I could attend to at night without interfering with the school. I concluded as I probably would have to wait until spring for my collections, to accept the offer. The district already had quite a good school-house. My scholars were mostly young men and women, and I taught everything from reading, and spelling, up to and including algebra, and surveying. I never had to do with a finer lot of pupils, and my position was in every way agreeable to me. I ought possibly to state that my wife, then Miss Lucinda Davenport, the only daughter of Dr. Davenport, attended that school. This added to my other employments the delightsome one of courting, and we were married on the first of January, 1858. Although we have lived together for fifty years, we never have been reconciled yet, because there never has been any occasion for a reconcilation.

At the close of the first term I contracted to teach for another term of six months, as my roving disposition had dissolved into thin air. When the second term was closed, I was appointed a Justice of the Peace of that precinct, and I returned to the practice of law—occasionally writing for the newspapers.

When the Civil War commenced, the editor of the

principal paper in the southern part of the state—The Sentinel—was a Secession sympathizer, and he and the proprietor and publisher had a fight in which the editor was seriously wounded. I was solicited by the publisher and a committee of leading Union men to assume charge of the editorial department of the paper. I did so, and wrote all the editorials in the paper for over three years. The paper was a weekly, but at times, when the news was stirring, it was published semi-weekly. The paper under my control rapidly increased in circulation. The editorial work that I did while on the paper secured me an offer, when I announced my intention to resume the practice of law, from the Sacramento Union, then the leading paper on the Pacific Coast, to become one of its editorial staff at a good salary. I considered the proposition for quite a time; then concluded to decline it. Had I accepted this offer, it would have changed the whole course and direction of my life, and I probably would have continued in that line of work to this day. It was while I was editor of The Sentinel that a rumor was telegraphed to me that President Lincoln had been assassinated. It came first merely as a rumor and I communicated it only to a few persons, anxiously waiting to hear whether it was true or not. Many of the good and patriotic citizens of all parties feared a riot. I issued an extra, on the confirmation of the news, briefly stating the facts of the assassination; and every store, business house and saloon was immediately closed, and their doors draped in mourning. A meeting was shortly called, and I was invited to deliver an oration on the character and service of the lamented President. I was given three days to prepare that address. The Methodist minister was also invited to deliver an address on

that occasion. The crowd was immense; no church in town being large enough to hold it. My oration was published in The Sentinel and other papers in the State and in some of the California papers. I have a copy of that oration; but, as I give in full the oration delivered by me in the City of Seattle on the death of President Garfield a more recent occurrence, I have concluded to give only the later address.

I ran for the Lower House of the Legislature in Jackson County and I was fairly elected, but was counted out; not unjustly, I do not mean to say, for on the face of the returns I was defeated by six votes. The County was largely Democratic, and I ran as a Republican. I said that I was fairly elected, because there was a contest in one of the precincts for the office of Justice of the Peace; I was the contestant's attorney, and he succeeded in his contest because he conclusively showed that thirteen illegal votes were cast against him. To have thrown them out on a contest would have elected me by seven majority. I refused to contest the election, and the matter dropped. Subsequently I ran in that County for the office of County Judge. After I took the field, the Democrats became alarmed, and they withdrew the candidate nominated by them, in convention, and placed in his stead a Mr. Duncan, one of the strongest and most popular Democrats in the County. He beat me by sixteen votes. The other Democratic candidates were elected by majorities ranging from three hundred to four hundred.

At the time Mr. Harding was elected United States Senator for Oregon I was without consultation, or being present, put in nomination for the position, and I lacked only two votes of an election.

Thus, while I was a hard man to beat, I was always beaten, fairly, or unfairly.

I was appointed Associate Justice of the Supreme Court of Washington Territory in 1869. Less than a year afterwards, by unanimous recommendation of the members of the Territorial Legislature, I was appointed Chief Justice of that Court, and at the expiration of that term was re-appointed Chief Justice. During this last term I was nominated by the Republican party and elected Delegate to Congress. At the expiration of that term I was renominated and re-elected.

To make an account of my official career complete, I ought to state that I was a member of the Territorial Council (the equivalent of a State Senate) of Washington for one term; also Mayor of the City of Seattle for one term; and Regent of the Territorial University of Washington for ten years, and Treasurer of the Board of Regents all of that time.

As a member of the Territorial "Council" I was appointed chairman of the judiciary committee, and also chairman of the committee on education. The work on these committees was almost continuous. It absorbed all of my time for nearly every evening of the session.

The iniquitous gross earning tax law, as applied to railroads, was repealed at this session. The vote on its repeal in the "'Council" was close—and if I were not a modest man—I would say, that I contributed largely to its repeal. I made the only elaborate argument in the "Council" against its unequal, unjust, inequitable and partial provisions, discriminating in favor of centralized wealth and organized power. It was a close and hard fight in the 'Council" but repeal won.

The school system theretofore existing in the Territory, was radically remodeled at this session of the Legislature. The bill as presented to the committee was the work of a selected body of teachers. In a legislative sense it was crude and in some of its provisions, intensely radical. I, in fact, re-wrote the whole bill making its retained provisions full and accurate—omitting surplus statements, and embodying many new provisions. The bill thus remodeled passed the "Council" and the "House," and its essential provisions remain the law of the State today.

A few general observations may be allowable: Rare are the men who possess in a high degree, constructive legislative ability. Every act of legislation ought by clear and accurate provisions cover every element of the subject matter stated in the title. As the act approaches this it approaches perfection.

Any act of legislation laying the foundation of a system—such as the school system and providing for its administration is a difficult task. The human judgment is imperfect—and prescience is limited—hence any approach to perfection in the system itself, or in its administrative provisions, is a matter of evolution of slow growth—and of the survival of the fittest. As time advances and light and knowledge increase, the dead and useless branches are pruned off and the fit and vigorous remain to blossom and bear fruit.

The effective and beneficial work of Delegate to Congress is in the various departments of the Government, and in the various committees of both houses of Congress. In a new country, rapidly filling up with people, post-routes and post-offices must be provided. On the established lines there is a constant and pushing demand for an increase of service. When I was elected,

the daily mail stopped at Tacoma, and Seattle had only a weekly mail. One of my first efforts was to increase this Seattle service to a daily mail. I had some difficulty in accomplishing this object, because the postal authorities claimed that the revenues of the Seattle office were not large enough to warrant such increased service. I got it increased, however, to a daily service. I had not so much difficulty in getting a daily service from Seattle to Victoria and way-ports. Everybody on Puget Sound knows that Port Discovery is about six miles west of Port Townsend. Port Discovery was a milling town visited largely by foreign vessels and many American ships, and a large volume of business was done there. There was a stage running daily, from Port Townsend to Port Discovery and back, and it had only a weekly service. I asked for a daily service, but it at first was refused, and I notified the people interested of the result. A Mr. Young, the manager of the Port Discovery Mills, stated to me in a letter that, inasmuch as the Government was very poor and the people of Port Discovery were rich, they, out of the abundance of their wealth, would pay the additional cost, if I would secure the assent of the Government to allow the contractor for the weekly service, to carry the mail daily. I showed this letter to the Postmaster-General, and he, after reading it, said: "Judge, I think the Government can stand the increased expense, and those people shall have a daily mail;" and he ordered it.

A Delegate, in order to wisely and intelligently, as well as promptly, discharge his duties, ought to be a lawyer, and well acquainted especially with the land-laws of the United States and other laws pertaining to Territories. He is constantly called upon to push land-claims to patent, and in this respect he becomes the

attorney, without fee, of the people of the Territory. There is a large volume of such business, and he must examine the papers in order to understand the status of the case and to advance it for patent. Representatives from the older States have but very little of such business to demand their attention, and to consume their time.

When I was elected, I do not think there was a single lighthouse, or fog signal, or foghorn, on the waters of Puget Sound, and I secured the establishment of quite a number of them.

I forced the loosening of the grasp of the Northern Pacific Railroad Company on large quantities of the public land, and I did much to secure the passage of the law returning to purchasers one-half of the double-minimum price ($2.50 per acre) paid by them, which was exacted on the ground that the land so purchased was double in value by virtue of its proximity to a railroad line. This is a brief and imperfect synopsis of some of the results of my efforts as Delegate.

A Delegate has not even the unit of political power —a vote on any measure; he can therefore form no combination to further friendly legislation in the interest of his Territory. The Delegates from the different Territories, however, were regarded as quite an influential body of men, and were usually able, by scattering through the House, by use of personal persuasion, by attendance before committees and receiving favorable reports, to get a part, at least, of what they desired for their Territories.

While a member of the House of Representatives I was much interested in the study of its members and its mode of operation. The popular opinion is that it is a calm and deliberative body. This is true as a

general rule; but there are times, and they are not infrequent, when the House is anything else than a sedate and deliberative body of men.

General Benjamin F. Butler had a seat back of me, and frequently, when he desired to speak, asked me to change seats with him for a time—my seat being nearer to the Speaker of the House and a fine place wherein to stand and from which to be distinctly heard. On one occasion it was announced that Butler would deliver a speech on the financial question. I offered him my seat for the purpose. The House was full. Butler was cross-eyed and near-sighted. He commenced the delivery of his speech by reading from a manuscript. Every eye was turned towards him. He always commanded the attention of the House when he spoke. In the delivery of his speech he had to keep his manuscript close to his face and to move it to the right and to the left on account of his being cross-eyed. He did not often speak from manuscript. This was his first attempt to do so at that Congress. The spectacle was so novel that many members began to laugh and to interrupt him by asking him questions. He threw the manuscript on the desk, stepped out into a space nearly in front of the Speaker, and gave the points of his speech without the aid of his manuscript. He was frequently interrupted, especially by the Democrats; and he suggested to me the idea of a lion at bay, shaking off and striking at his opponents with caustic wit and scathing repartee. On another occasion, a gentleman from Maryland, a large and portly man, who was Chairman, I think, of the Committee of Foreign Affairs, arose to introduce and briefly to explain the provisions of a bill reported from his Committee. This gentleman was quite deaf, and like all deaf persons spoke

in a very low tone of voice; in fact, he could not be heard six feet away from him; but he had, no doubt adopted Demosthenes' idea that gestures were the levers of eloquence; and his arms would go up and down and to the right and to the left, and his eyes sometimes rolled upward and then downward to the floor. Someone cried out: "Is this a pantomime performance, or a public speech?" Then others gathered around him, and all kinds of remarks were made concerning the performance. The Speaker finally compelled the Members to take their seats; whereupon the Member ceased his motions, and probably his speech, and resumed his seat. This gentleman came to Congress with a great reputation as an orator. Probably he had been such in former years, but his deafness had destroyed his powers in that regard.

I was in the House at the time that James G. Blaine, then a prominent candidate for the Republican nomination for President, annihilated J. Proctor Knott, who was Chairman of the Committee on the Judiciary. A report had been made by that Committee on a matter referred to it; it seriously reflected on Blaine's honor and integrity as a man and as a member of the House of Representatives. It seems to have been the intent of the majority of the Committee who joined in the report, and who were all Democrats, not to bring up the report for hearing, but to let it stand as damaging evidence against Mr. Blaine, in order to prevent his nomination, or to defeat his election, if nominated. Blaine and his friends determined to expose its animus and falsity on the floor of the House, so that the refutation would go with the charge. To make this vindication, however, it was necessary for Blaine to obtain the floor; this would be opposed and was opposed. In

the parliamentary conflict for the floor which ensued, Blaine's superior knowledge and tact succeeded, and he was recognized by the Speaker. I never saw a more forlorn look of disappointment, and of sullen resignation, than that manifested in the countenances of many of his opponents, when the Speaker announced that the gentleman from Maine was entitled to the floor. Blaine was pale, and all aflame with indignation. His voice, although at first a little tremulous, soon became clear and ringing. His sentences were compact and parliamentary. He accused that great Committee of darkening its former reputation by making a report for political purposes. He further accused them of the deliberate suppression of evidence that completely exonerated him, he drew from his pocket a certified copy of such suppressed evidence, read it to the House, and waved it in triumph amid the uproarious applause of his Republican colleagues, and of many Democrats. He spoke in this vein for about thirty minutes. When he closed, his friends were joyous,. and his enemies dismayed. Among the first, personally to congratulate him, was Ben Hill of Georgia, a distinguished member of the then extinct Confederate Congress.

A ludicrous scene occurred in the House, when the bill making a large appropriation for the re-building of the various edifices formerly constituting William and Mary's College, in the State of Virginia, came up for consideration. These buildings were alternately in the possession of the Union and Confederate forces during the war, and were destroyed by fire while the Union forces were in possession of the ground upon which they stood. Most of the members of the Democratic party favored this bill. A few opposed it. The Republican members generally opposed the appropriation,

but there were some who favored it. It was understood that when the bill came up for final passage, but one speech would be made in its favor, and that was to be made by Mr. Loring, of Massachusetts, a Republican. Mr. Loring had a national reputation for finished and eloquent orations. When the time arrived the House and galleries were full. Mr. Loring arose and partly read from a manuscript his great oration. He stated in a clear and comprehensive manner what the laws of war formerly were, and how they had been modified by the generous principles of Christianity and of civilization. He stated that now as recognized by every Christian and civilized nation, churches, hospitals, institutions of learning and other eleemosynary institutions were exempt from the ravages of war. He spoke in eloquent terms of the sacred walls within which poets, philosophers, statesmen, lawyers, great divines and warriors, if not born, received their inspiration and were qualified for their grand missions. He was listened to, throughout, with breathless attention. When he closed, at the expiration of a little over an hour, he was greatly applauded. I thought it the finest oration I had ever had the pleasure of hearing. The Republicans were anxious to break the magnetic spell of his oratory, and to get a little time for the sober second thought, of the members to assert itself. Conger, of Michigan, had the ability to crowd more sarcasm, wit and scathing repartee into the same length of time than any other member of the House, and he was chosen by the Republicans to break the magnetic spell of Loring's great speech. He arose, and after complimenting the honorable gentleman from Massachusetts on his great effort, stated that some of the buildings constituting the College, while in the

possession of the Rebel forces, were used as stables for their horses, that their floors were covered with excrement of such animals, that other buildings were used as hospitals for the sick and wounded, and that their walls were besmeared with blood and filth; and he sneeringly remarked, that these were the sacred walls that so inspired the eloquence of the honorable gentleman from Massachusetts. After indulging in other bitter declarations of the same character, he ceased—having spoken for about thirty minutes. The Virginia members were very much excited. One of their number, by the name of Good, arose to reply to Conger. Good possessed the ability to open his mouth and, without seeming effort or preparation, to pour forth a volume of sweetened wind or a volume of scathing philippics. He denounced the honorable gentleman from Michigan for preaching a gospel of hate and vengeance, which had heretofore well-nigh wrecked this glorious Government, which if persisted in, would keep open the wounds and sores that under a more liberal and generous spirit were fast healing. He indulged in more of this kind of denunciation, and finally, in a supreme effort of indignation, consigned the honorable gentleman from Michigan to ruined towers and castles and crumbling walls, where he could be fanned by the damp and dismal wings of bats, and listen to the hooting of owls, forever. Conger, who had not resumed his seat, but stood calmly gazing at the honorable gentleman from Virginia, exclaimed, with a piercing and ringing voice, "I hear them—even now." This remark was received with roars of laughter, joined in by Democrats as well as Republicans. Mr. Good tried to proceed; but when he did so, someone would exclaim,

"The owls are hooting again," and poor Good resumed his seat.

I have noticed that some pungent remark, or sarcastic repartee is often more effective than a set speech. All remember Butler's reply to "Sunset" Cox, when the former was frequently interrupting him. With a motion of his hand over his bald head, he exclaimed to Cox: "Shoo, Fly! don't bother me." It was taken from one of the popular songs of the day. It hurt Cox's prestige and lessened to some extent his power. Cox was physically a small man, and the application carried with it an expression of contempt. Holman, of Indiana, on account of his objections to all bills making appropriations of money, got the name of being "the watchdog of the Treasury." Towards the end of his term an amendment was offered in which a near relative was much interested. The familiar "I object" was not heard, and the amendment went through with his support; whereupon a member sitting near exclaimed:

" 'Tis sweet to hear the watchdog's honest bark
Bay deep-mouth'd welcome as we draw near home."

In a more recent case, a gentleman from Indiana, in his indignation against a gentleman from Illinois, called the Illinois member "an ass." This was unparliamentary language, and the Indiana gentleman had to apologize and to withdraw the remark. The gentleman from Illinois arose and said he did not know what was the matter with him that he should always so excite the ire of the gentleman from Indiana; the gentleman from Indiana replied: "If you will inquire of some veterinary surgeon, he can probably tell what

is the matter with you." This was perfectly parliamentary and a complete exterminator.

Many people suppose Congress to be an assemblage of orators. This is a great mistake. In point of ability its members are eminently respectable, and many of them distinguished in their particular line of business, profession or thought. Most of the set speeches are delivered from manuscript. The matter is well considered and in most cases clearly stated; but the delivery is often dull, listless and without animation. This is particularly true of speeches founded on a dreary array of facts and statistics. While the logic of such facts or figures may be very convincing, yet in the hands of most men their presentation is very uninteresting. Few men can present statistics in an interesting and captivating manner. Garfield must be considered as pre-eminent among that class of men. I have heard him make a speech of over an hour in length on financial questions in which he not only presented a formidable array of statistics, but held his auditors spellbound to its conclusion. It may be said of the orators of the House that though they are great advocates, they are not constructive statesmen; they are orators and nothing more; they are good to show the reason for a provision and skillful in their defense of it from attack. Conkling, one of the most brilliant speakers in the Senate, although a member of that distinguished body for many years, is not the author of any beneficial act of legislation. The career of such a man will be brilliant, but it will be brief. It is the constructive statesman who succeeds in writing his name permanently in the legislative history of his country. Most of the legislation benefiting the people, or putting their rights on deeper or broader foundations, has origin-

ated with the silent workers in either House of Congress.

To show the listless and inanimate manner in which some speeches, truly great in their logic and in their facts, are delivered in the House, let me state an incident. A gentleman from New York, who came to Congress with an established reputation as a public man, arose to address the House on the necessity of a more liberal and reciprocal trade-treaty and tariff, with the Dominion of Canada. In the expectation that he would address the House on the evening that was set for general debate, the House was full when he arose, and every eye was turned towards him. He read his address from manuscript. His voice was indistinct and it lacked in volume. After reading two or three pages from the manuscript before him, he seemed to be unable readily to decipher it—it having been reduced to writing by his clerk. He halted, stumbled and misread portions of it, and then re-read it to correct his mistakes. The members commenced quietly to leave their seats and to retire to the cloak-rooms. As he was a member of the Committee on Commerce, and had shown me many favors, I took a vacant seat near him. When the chairman announced that his time had expired, I arose and moved the chairman for the extension of his time for twenty minutes. The chairman said he heard no objection, and he extended the time of the gentleman from New York for twenty minutes more. While on my feet I looked around and saw there were not over eight members in the House, that they were all engaged in writing at their desks, and that the chairman was reading a newspaper. The next morning the speech appeared in the Congressional

Record, and every one spoke of it as a very fine argument in favor of the policy advocated by him.

My judicial career may be briefly stated. My district was the Third. It was bounded on the south by the southern boundary of Pierce and Kitsap Counties; on the east by the dividing ridge of the Cascade Mountains; on the north by the northern line of the Territory, which was the International boundary line; and on the west by the Pacific Ocean. I held two terms of Court annually at Seattle, Port Townsend, and Steilacoom. There was quite a volume of admiralty business. This was attended to whenever it arose, in term-time and out of term-time, in order to meet the convenience of suitors. No appeal was ever taken from my decrees in this class of business. I made it a point to clear the docket of all accumulated cases at each term. Homicides were quite frequent in the district, and I rarely held a term of Court without trying some person accused of murder in the first degree. There were frequent convictions for manslaughter, and for murder in the second degree, and sentences were imposed by me in accordance therewith. There were four convictions for murder in the first degree, and three executions. The facts and circumstances attending the fourth case deserve a more extensive statement. Before I make such a statement let me say, that while many appeals were taken from my judgments and rulings in criminal cases. I had but two reversals charged against me in a period of between six and seven years on the Territorial Bench. I hope no one will detract by implication from the honor of that record, by the insinuation that I was Chief Justice of the appellate tribunal for most of that time.

After the furor of "fifty four, Forty or Fight,"

had somewhat subsided, the Treaty of Washington, entered into between the United States of America and Great Britain, adopted and extended the line of division between the Dominion of Canada and the United States along the 49th degree of North Latitude to the waters of the Pacific Ocean, as the northern land boundary of the United States; thence west by the principal channel or waterway to the center of the Strait of Juan de Fuca; thence along said center line to the Pacific Ocean. Now, it was found that there were two principal channels or waterways from the 49th degree to the Strait of Juan de Fuca. These waterways were the Canal de Haro and the Rosario Straits. The Canal de Haro was the most western and northern waterway; the Rosario Strait was the most eastern and southern waterway. San Juan Island and other smaller islands were situated between the two. If the Rosario Straits were adopted as the true line, these intervening islands belonged to Great Britain; if, on the other hand, the Canal de Haro was the true line, the islands belonged to the United States. By agreement of the high-contracting parties, the German Emperor was chosen as arbitrator to determine the location of the true line mentioned in the Treaty.

In 1859 an informal convention was entered into between the high-contracting parties by which the laws and civil officers of both nations were excluded from the territory in dispute; the islands in the meantime were to remain in the joint military occupation of the two nations. Hence, there was a British military post, and also an American military post, on San Juan Island, fully garrisoned. This informal understanding had not the dignity or force of a treaty, and was therefore binding on the courts only as a matter of policy

and comity. It was binding only in the court of honor. Such being the facts, a man by the name of Charles Watts, an American citizen, foully murdered another American citizen near the military post of the United States. Watts was arrested by the Federal military authorities and held in confinement. There was a good deal of feeling and excitement over the matter. When I went to Port Townsend to hold Court, I issued a warrant, directed to the United States Marshal, to arrest said Watts and to bring him to Port Townsend for indictment and trial. He was readily delivered by the United States military authorities to the United States Marshal, and brought to Port Townsend. He was indicted by the grand jury for murder in the first degree, and tried and convicted at that term. He was sentenced by me to be hanged until he was dead. An appeal was taken from the final judgment in the case to the Supreme Court of the Territory; and, upon hearing, a majority of the Supreme Court, consisting of Judges Greene and Kennedy, reversed the judgment on the ground that the Federal side of the Court had no jurisdiction. To the general reader, it may be well to state that the Territorial Court had all the jurisdiction of the District and Circuit Courts of the United States, and such jurisdiction constituted what was called, the Federal side of the Court. It also had all the jurisdiction arising under the Territorial laws, and the common law suited to the conditions; and this constituted the Territorial side. Watts was indicted and tried on the Federal side of the Court, and the Supreme Court held that he ought to have been indicted and tried on the Territorial side of the Court—hence the reversal. I delivered a dissenting opinion which, as the case assumed a national importance, I give in full:

OPINION.

"As I cannot assent to the conclusion reached by the majority of the Court in this case, I will state as briefly as possible the conclusion of my own mind upon the question of jurisdiction involved in the case, with my reasons therefor.

"I have come to the conclusion that the United States side of the Court had jurisdiction, and for the following reasons:—

"1. We all agree that the phrase 'sole and exclusive jurisdiction,' as used in the Crime Act of A. D. 1790, 1 Stat. 113, has no reference to a claim of jurisdiction made by any foreign power, but to State and Federal jurisdiction, or, as we are situated, to Federal, as contra-distinguished from Territorial jurisdiction. We also agree that it is the duty of the judiciary to extend the jurisdiction of the laws of the United States as far as the political department of the government extends the territorial area.

"2. In my judgment it is the duty of the courts to construe all such conventions as that entered into between the government of the United States and Great Britain, with reference to the Island of San Juan, so as to avert the evil apprehended, and sought to be prevented.

"When the convention was entered into there was imminent danger of a conflict of arms. That danger arose from two causes—the action of the military commanders of this department and the enforcement of the laws of Washington Territory over the disputed domain. The first danger was removed by a change of commanders. The second, by the exclusion of the laws of the Territory, and that exclusion has been en-

forced by the military power of the government ever since.

"3. Was it the intention then of the high-contracting parties, to exclude all law from San Juan Island, and to make it a secure asylum for thieves and murderers? I think not. Possibly there might be some ground for the recognition of the distinction between acts *malum in se* and *malum prohibitum*, acts which under every law, human and divine, are criminal, and those acts which are only criminal by virtue of some positive statute making them such. I infer that two civilized nations would not directly or indirectly, concur to create any such asylum.

"It was the design, then, that some laws should exist and be enforced on that island. That it was the design of the government to exclude the laws of the Territory is manifest by the proceedings of the convention and the action of the government from the date of the convention down to the present time. It was so understood by the military department; acquiesced in by the other departments of the government, and recognized as a fact by the courts of the Territory, and by the legislature, as is evidenced by the release of the county of Whatcom, within whose limits the island was included by a prior act of the legislature, from the payment of all costs for the prosecution of persons committing crime on said island.

"Whatever jurisdiction might have been claimed by the Territory prior to the last-cited act, was virtually abandoned by it.

"The exclusion of the territorial laws since the date of the convention has been open, manifest, and palpable, and I believe rightful. Then, if I am correct in my conclusions, no other laws were in force on the

island for the punishment of persons guilty of murder (not connected with the military), but the laws of the United States. In fact, it would follow as a logical sequence, that if the territorial laws were excluded it would be a place 'under the sole and exclusive jurisdiction of the United States,' hence, the laws of the United States would be operative there.

"I can see many cogent reasons why it was desirable to exclude territorial laws and territorial officials from the island. The territorial legislature represented but a small fraction of the American people and was far removed from the power which was responsible for a state of peace or war, and before measures could be disapproved by Congress a conflict might be precipitated. Territorial officers were not responsible, directly at least, to the supreme power. It had no control over their official conduct. All will agree that such control ought to be directly with the responsible power. That could only exist legitimately, but by the exclusion of the local jurisdiction and the operation of the national jurisdiction, modified by express convention or necessary implication.

"It might be very competent and very proper in the accomplishment of the object in view, for the treaty-making power to suspend the operations of all laws for the punishment of offenders save in the cases where the acts were crimes, by the universal judgment of mankind. The power to suspend or modify must exist somewhere, or in the case of disputed jurisdiction, there could be no treaty or conventions.

"All such conventions are founded on the mutual concessions of the high contracting parties. After the convention has been signed, the supreme power in our government, in order to secure its honest and faithful

execution, took possession of the disputed Territory, segregated from its former local jurisdiction, and administers, modifies, or suspends its own laws by its own military or judicial agents. The supreme power acts through its own functions and not through that of an inferior jurisdiction. It administers its own laws so far as such administration is not in conflict with the convention. Its power is ample and it need not borrow from the inferior jurisdiction.

"It can not be argued successfully that because San Juan Island is within the limits of Washington Territory, that, therefore, it can only be subject to its laws. Puget Sound, Admiralty Inlet, and one-half of the Straits of Fuca are within the territorial boundaries, but still many of the criminal laws of the United States extend over them. Neither can the joint possession of the United States and Great Britain effect the question.

"The high seas are in the joint possession of all the nations, and yet every nation punishes its own subjects for crimes committed there. Watts is an American citizen, and the victim of his violence was also.

"4. I am unable to convince myself that, if one general law of the Territory went to that Island, but what all general laws went there. That they were not and are not permitted to go there is a fact too palpable for argument. The alternative then is presented, either that their exclusion by force has been rightful, or that the military department has been guilty of a gross usurpation.

"The latter branch of the alternative ought not to be received without the clearest and most indubitable proof of its correctness. I am not contending for the doctrine that a military order is absolutely conclusive

upon the courts, but it is always entitled to respectful consideration and will be presumed lawful until the contrary is shown. Especially, should such be the case when the order emanates from the highest functionary of the military department, and has been long sanctioned, at least by the acquiescence of every other department of government.

"To have permitted all the laws of the territorial legislature to have gone to the island would have resulted in the nullification of the convention. It would in fact have given the territorial legislature a veto on the treaty-making power of the government. Could this convention have stood for a day with the extension of the taxing power of this territory over that island? Every one knows that it could not. If the territorial jurisdiction extended there, it had the right to tax the property of the inhabitants thereof for territorial and other legitimate purposes. Taxes are not levied upon citizens, only, but inhabitants, property-holders, residents within the jurisdiction. The rightful exercise of such a power would have been decisive of the controversy, or rather it would have been exclusive of any rightful claim to controversy. Its attempted exercise would have been resisted with all the power of Great Britain. Reverse the circumstances and let British Columbia attempt to extend its taxing power over that island, and our government would resist the insult with all its military power.

"On what principle could a part of the general laws of the Territory go to that island, and a part not? It is of the very essence of general laws, at least, that they should be uniform and universal. If the territorial jurisdiction extended at all, it is complete and

entire. It reaches all rightful subjects of legislation, and is supreme within those limits.

"For the above reasons, I am of the opinion that Watts was rightfully indicted under section 4 of the Crime Act of 1790, which reads as follows: 'If a person or persons, within any fort, arsenal, dockyard, magazine, or in any other place, or district or country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons, on being thereof convicted, shall suffer death.'

"But if there is a doubt as to whether San Juan Island was within the Third Judicial District or not, then the last clause of section 28 of the Crime Act of 1790 would apply, for Watts was first brought into the Third Judicial District and delivered to the marshal of the Territory by the order of the Secretary of War."

Immediately after the reversal I called a special term of the Court at Port Townsend, at which Watts was re-indicted on the Territorial side of the Court, tried, and again convicted and sentenced to be hung. He again appealed to the Supreme Court, but the judgment was affirmed; he then sued out a writ of error to the Supreme Court of the United States, and it was allowed, and it came up for hearing while I was Delegate from the Territory. The Court was informed that Watts had escaped from jail and was at large, and the Supreme Court refused to hear his writ of error. He has never been recaptured.

After all this had transpired, the German Emperor decided that the Canal de Haro was the true boundary line under the Treaty. The British troops were withdrawn from San Juan Island, and peace and friendship prevailed.

While I have always been in favor of liberty regulated by law, and have believed that order and security were the sure resultants of law's vigorous enforcement, yet there may be times and conditions, in frontier communities, when the suspension of the genral rule, like the suspension of the great writ of Habeas Corpus, may be justified in the forum of reason and morals. Especially, is this true when the furore of the populace is not based on race, or class prejudice, or the frenzy of religion, or party madness; but has only for its ultimate, the security of person, property and habitation.

Hold-ups on the streets, with pistol accompaniments, were frequent in the City of Seattle; burglaries were the regular order of business; no man was safe in the streets after nightfall; in fact, fear had become so intensified that in the visitation of one neighbor to another's house after dark, the visitant, after proper precautions, was received with pistol in hand. Such were the conditions, I am sorry to say, existing in the embryo city of Seattle in January, 1882, and such had been the conditions for several months previous to that time. The town was full of thugs and criminals. Such a situation was intolerable. During its continuance one George Reynolds, a young and popular business man, was shot down in cold blood, between seven and eight o'clock in the evening, while going down Marion Street to his place of business on Front Street, now First Avenue. He was held up by two ruffians between what are now called Third, and Fourth Avenues. His money and his other valuables were demanded by them, and upon his refusal to deliver up, he was assassinated.

I have never been a believer in Divine interposition or impulsions, but I must confess that on that fatal

evening, and on a few other occasions my rationalism was somewhat shaken. My usual route from my residence on Fourth Avenue to my office on James Street was down Marion Street. On that evening, arriving at Marion Street, under the influence of some occult force, or power, I stopped, looked down Marion Street, and saw the assassins of George Reyonlds standing near the west end of the block and leaning against the wall of the Stacy premises. Impelled by this mysterious force, I involuntarily went on to Columbia Street, and, when nearly opposite on the block to the south, heard the report of the shot that ended the life of Reynolds. Soon after I arrived at my office, I was informed that Reyonlds had been shot and that he was dying; that many citizens were assembling at the engine-house, and that my attendance was requested. I accompanied my informant to the engine-house and found there assembled from seventy to a hundred men, greatly excited and determined. We quickly formed ourselves into a Committee of Ways and Means, and resolved to spare no expense, nor to omit any means for the apprehension and punishment of the guilty parties. I was elected Chairman of that meeting. We also immediately sent out twenty-five armed men to patrol the streets leading out of town, and to guard, in boats, the water front. We soon after added to the patrol twenty-five more men; soon after, fifty more; and within an hour-and-one-half after the firing of the fatal shot, we had at least one hundred armed men, and detectives in the field, besides the active, vigilant, willing and intelligent regular police-force of the town. In addition, a select committee, headed by the Honorable William H. White, was appointed to investigate the circumstances of the shooting, and to ascertain, as nearly as

possible, the facts and circumstances identifying the guilty parties. I remained in the engine-house until after one o'clock, listening to the reports, made by patrolmen concerning suspicious characters, which were summarily examined and in most cases were dismissed as unfounded; but in a few cases the order was made to keep these suspects under strict surveillance, awaiting further developments. Between one and two o'clock a. m. the report came in that the guilty parties had been arrested, delivered to the sheriff and by him locked up in the County jail. They had been found concealed under bales of hay on Harrington's wharf. One had in his possession a pistol, but recently discharged. There were two of them. The news of their capture spread like wildfire. The patrolmen and other citizens came rushing in to the engine-house; and when the captors gave an account of their success, they were angrily asked, why they had delivered them to the sheriff, and why they had not brought them to the engine-house? The question was ominous. They were told that the captives were in the proper custody; and they were asked what they wanted the captives brought to the engine-house for? The reply was, that they wanted to look at them. This was still more ominous. I saw that so firm was the conviction that the parties arrested and in the rightful custody of the sheriff, were the guilty parties, that if the populace could get hold of them they would be strung up, without examination or trial. To this threatened act I was opposed, and I left the meeting and went down to my office. The light was still burning in the front room; I extinguished it, and, leaving the front door unlocked, went to the rear or consultation-room, locked the door and sat in a chair to meditate in the darkness on the situation,

or condition of affairs. I had not been there long before two persons whom I recognized by their voices came into the front room and called me by name. I did not answer. They then came to the door of the consultation-room, rapped on the door, called me by my name and gave their own names. I finally admitted them. They told me that they had just left the crowd at the engine-house, and that the determination was fast approaching unity, and, if its culmination was not prevented, the captured men would be taken out of the jail and hung that night. They thought that I might prevent such an unnecessary and unwarranted ending of our grand and successful work. Knowing that the sheriff was a man of nerve and courage, and fearless in the discharge of his official duty I dreaded the result of such an undertaking, and I finally consented to go.

Upon arriving at the engine-house I found it filled by an excited yet joyous crowd. I made my way through this crowd to the rear of the large assembly-room, and while working my way through, received something of an ovation. While yet standing, someone said: "Judge, we thought you had thrown off on us." "Never," I replied. "But to illustrate my position," I said, "let me tell a story: Three negroes, passionately fond of hunting, and whose ambition in that regard was not fully satisfied by the capture of deer, turkey and quail in their native State, decided on a hunting-trip in the Rocky Mountains, to add the capture of larger and more dangerous game to their trophies. Being fully equipped, they bought tickets for a recommended point in the mountains. Arriving there, they left the train and went up into the dark woods, the sunless canyon, the silent coves and snow-crowned

mountains, where the denizens of the wild were supposed to dwell. On the second day of their camping-trip, they came upon a large grizzly bear in a mountain cove. They fired at the grizzly and wounded him. Then the scene changed, and the bear commenced to hunt them fiercely. Two of them succeeded in climbing trees, but were unable to take their guns up with them. Sam, the other, was pushed so closely that he was unable to tree. He ran in a circle, with the bear in close and hot pursuit. His companions, safely perched in their tree, halloed to him to run. 'Sam, for God's sake, run.' One of the companions slipped down from the tree and, as Sam and the bear approached him, made a successful shot and finished the race so far as bruin was concerned. Sam, as soon as he could get his breath, says: 'What did you niggers mean by crying out to me, run Sam, for God's sake, run? did you suppose I was such an enormous fool as to throw off on that race?' " I told two more of the most ludicrous and laughable stories that I could think of; the object being manifest: I wanted time for the sober second thought to assert itself. I continued somewhat thus: "Are you afraid that the sheriff will send away the prisoners tonight, or that they will escape? If so, that can be prevented by sending twenty-five or fifty, or if you please, one hundred men, to keep watch and guard until nine o'clock tomorrow morning, when the justice has promised me to hold a public examination of the prisoners in the Pavilion, where all may come and see them and hear the examination." The Honorable William H. White, who was present, made a clear, earnest and forcible speech in favor of the proposition, and it was carried by a good majority.

The Pavilion was on the Southeast corner of Front

and Cherry Streets. It was used as a church, as a Court House, as a theater, and for all public meetings. It was over a hundred feet in length and about thirty feet in width. Its entrance was from Front Street.

At the appointed time Justice Samuel Coombs was in his seat and the prisoners were present. They both pleaded not guilty. Honorable William H. White and myself acted as prosecuting attorneys. A Mr. Holcomb, a lawyer of good standing and ability, appeared for the prisoners and sharply cross-examined the witnesses sworn on the part of the Territory. The Pavilion was full of spectators, among them was his Honor Roger S. Greene, the then Chief Justice of the Territory. When the evidence was all in, the Territory waived its opening, but the prisoners' counsel made a brief argument in their behalf. The Territory waived its right to reply. During the progress of the examination, the windows in the rear of the Pavilion had been quietly removed.

The Justice, after a few moments of reflection, declared that the evidence of the prisoners' guilt was clear and convincing beyond a reasonable doubt, and the order of the Court was, that they be held for trial without bail. When the Justice had ceased speaking, someone—I have never learned who it was—slapped his hands together three or four times; and that immense audience rushed with one accord to the open windows in the rear, taking the prisoners along with them. Judge Greene, at first, seemed dazed by this sudden rush, but in a short time he started to follow the crowd. A man standing near seized him as he attempted to go, pulled down the theater curtain, threw it over the Judge's head, and securely held him until the crowd was nearly all out of the building, where-

upon James McNaught quietly said: "Let him go." The Judge quickly rushed out of the building and down the alley to where the hanging was taking place. He seized one of the ropes and attempted to cut it, but he was soon hustled out of the crowd. Governor Elisha P. Ferry then advised him, as he could do nothing, to go home. This he did. The man who had thrown the theater-curtain over the Judge's head was asked why he did so; his answer was, that Justice ought to be blind, on such an occasion especially.

There were on the north side of James Street two large-sized maple shade trees standing eight or ten feet apart. It was in these trees that a strong scantling had been placed, to which the prisoners were hung. As soon as the two men had been swung up, someone in the crowd cried out: "Our work is not yet completed; let us hang the murderer of old man Sires to the same scantling." The idea was immediately seconded, and about one-half of the crowd went up to the County jail, broke down its doors, took the murderer who was awaiting his trial, put a rope about his neck and quickly returned with him to the fatal scantling. The rope was thrown over it, and he was swung into eternity.

I left the Pavilion soon after the crowd had retired, and walked slowly down to James Street. I arrived there just as the crowd was running down the hill with the murderer of Sires. A gentleman rushed up to me as I was slowly walking across James Street and said: "Judge, how do you feel about this proceeding?" I answered: "As a member of Judge Greene's Court, I feel terribly indignant; but as a private citizen, I think that I will recover."

Sires, who had been killed about a month before by

a ruffian of the name of Payne, was an aged pioneer. His life for many years had been a rough one, and slightly bordering on toughness; but he had reformed and joined the church; and as he was a man of good ability, he occasionally preached. Confidence in his sincerity and genuine reform was general. He was poor, and, to aid in his support, he was given the office of policeman. While in the discharge of his duties as such, he was shot down by Payne. There was no doubt of Payne's guilt.

A coronor's jury on the hanging was summoned. Of this body I was a member and its foreman. We examined, I think, twelve witnesses. They all testified that John Doe and Richard Roe and Payne came to their death by hanging. Who were present, aiding, or abetting, or counselling, or advising, or actually doing the said hanging, or in any manner participating in the same, they all swore that they did not know. Finding that other and further investigation would be futile, we ceased taking testimony and joined in a verdict embodying what has been stated, with the addition that while we regretted the mode of their taking-off, yet we were certain in the death of the prisoners that the Territory had lost no desirable citizens, and Heaven had gained no subjects.

Court convened in a few days and Judge Greene gave the grand jury a well-prepared, able and elaborate charge, stating that everyone who participated in, or counselled, or advised, or actually performed the acts resulting in the death of these three men was at least guilty of manslaughter. He earnestly urged the grand jury to fearlessly investigate the matter, and if they were convinced that any person participated in the hanging of the three persons in any way spoken

of by him, they ought to find indictments accordingly. Everybody honored the Judge for the faithful, fearless and full discharge of his duty in the matter; but his brave charge resulted in nothing. Thus ended the second, most tragic event in the history of the City of Seattle.

Whatever we may think of the mode of the taking-off of these three men, everyone admits that the result was beneficial. Security in person, property and habitation was again enjoyed. The criminal classes silently left the town, and peace and order reigned.

Chinese Riots

The next tragic chapter in the history of Seattle occured in the winter of 1886, and is known as the Chinese Riots. It is not my purpose to give a detailed statement of either the cause or the facts attending them. They had no substantial cause. They sprang from race prejudice and political madness. There had been no actual or threatened invasion by the Chinamen, of the rights of persons, or of property, or of personal security. In fact, the Chinamen were a quiet and peaceable folk, engaged in the more humble occupations of life. They did not interfere in politics, or in the social or civic concerns of society. In numbers they were a small body as compared with the dominant race. In these circumstances it was resolved by quite a large but irresponsible faction that the Chinese must go; and a notice was served upon them fixing the time of their required departure. They paid no attention to it, but continued in their peaceful avocations. At the appointed time, a large committee—headed, I am sorry to say, by two lawyers who were backed up by promise of support of their fellow conspirators—went to the Chinese quarters, and, with threat of the use of force if they did not obey, compelled them to pack up their portable effects and to go to a designated wharf where they could go aboard of a steamer bound for San Francisco. There was a strong line of assistants to speed their progress to the wharf, and to guard them after their arrival there. Many thus, were deported.

The Courts soon interfered. Writs of Habeas Corpus were granted to the Chinamen, and, no cause for their restraint appearing, they were discharged. His Excellency, Governor Watson C. Squire, being in town, ordered out the Militia, which under the command of the bold and fearless Col. J. C. Haines, who was ably assisted by General E. M. Carr and others, did effective work. The *posse comitatus* was also summoned, and it quickly responded. In the afternoon of that fatal day a conflict occurred between the opposing forces near the Old New England Hotel; shots were fired by both parties, and two of the rioters were seriously wounded. The flow of blood seemed to have a cooling effect on the rioters, and they slowly departed for their homes, disappointed, defeated in their purpose, and with smothered feelings of vengeance.

The Governor, wisely considering the actual and threatened danger existing, proclaimed martial law, suspended the writ of Habeas Corpus until further orders, and by telegraph requested the President of the United States to send a Federal military force adequate to preserve order, to vindicate the supremacy of the treaties of the United States and the honor of the Government. That military force soon appeared under the command of General Gibbons, and for two weeks or more the town was under martial law. Peace and order having been restored, and the sober second thought having asserted its dominion, the troops were withdrawn and all was well. Thus ended the third chapter of tragedy in the history of the town (now City) of Seattle.

Battle at Seattle

After my arrival in Seattle in the summer of 1869, I became much interested in Seattle's local history. I had known and read of the Indian war of 1855-6, and of the attack on the town of Seattle by the Indians on January 16th, 1856, in which two white men were killed; but of the details of that attack, and of the ensuing battle, I knew nothing. I wrote to Lieutenant Phelps, who was an officer on the warship "Decatur" at the time, and who had written and published an account of the battle, to send me his pamphlet containing such descriptive account, and he promptly and courteously complied with my request. In addition to that official statement, I obtained from many of the leading residents at the time further details, facts and information hereinafter stated.

I ought possibly to state that at the request of Hillory Butler, a dear friend and pioneer, who was present and participated in the fight, I wrote his biography, from which the following is taken. Further to understand the situation, it ought to be remembered that the side-hill fronting the bay from the east line of Second Street (now Avenue) eastward was a dense copse of fern and brush, logs and tree tops, as well as standing timber to the top of the ridge and beyond, affording an excellent cover, or ambuscade for the Indians.

"In the fall of 1855 the Indian tribes east of the mountains became hostile. A small force under Major

Haller was sent into the Yakima country to reduce the hostiles to subjection. This force was defeated and driven back to The Dalles. This but aggravated the discontent of the Indians and well-nigh precipitated a general uprising. A feeling of dread and insecurity among the settlers was everywhere present. As precautionary measures, block-houses were built and stockades constructed, in many cases none too soon. A block-house was built in Seattle near where the Boyd building now stands. Hostile emisseries were known to be at work among the Puget Sound tribes. Some of the tribes were known to be wavering in their allegiance to the whites and many individuals of all these tribes had joined the ranks of the hostiles. The people of Seattle, however, felt quite secure for the "Decatur," a thirty-gun United States war-ship, under the command of Capt. Gansworth, lay at anchor in the harbor. Her crew consisted of 150 men. There was aboard of her also a company of marines, under the immediate command of Lieut. Morris. Notwithstanding all this, the evidence of an impending attack, became from day to day more convincing to those who calmly studied the situation, and had an accurate knowledge of the Indian character. They were, however, the few; the large majority were unbelievers, and the block-house was tenantless. On the morning of the 7th day of February, 1856, friendly Indians brought the dire intelligence that the town was entirely surrounded with a force of from five to eight hundred hostile Indians, under the command of Leschi, and other hostile chiefs. Even then, no other attention was paid to this startling information than the sending word to the commander of the "Decatur." He, however, immediately acted on the information and sent Lieut. Morris, with the

company of marines and one of the ship's guns, to the shore. They landed on the point a short distance south of where the New England Hotel now stands. It was about seven o'clock in the morning. Not an Indian was to be seen. All work had ceased. Silence reigned supreme. Men, women and children quietly went to the block-house, or stood in the door-way, or beside their cabins, watching the movement of the soldiers. Lieut. Morris loaded his cannon with a shell and directed aim to be taken at an abandoned cabin, situate on the point a short distance beyond where the gas works now are. The aim was accurate. The shell struck the cabin, exploded, and demolished it. That shot of defiance was immediately answered by the Indians, by a volley from, three to five hundred rifles. Then followed a general stampede of men, women and children for the block-house or the friendly protection of the shore bank—and had it not been for the fact, that the rifles in the hands of the Indians had been generally emptied by the first volley, many of the inhabitants would have fallen on their way to the sheltering bank or block-house. The Indians were here, and skepticism was at an end. The smoke from the rifles indicated clearly that the front line held by the Indians extended along where Third Street or Avenue now is until Marion Street was past, where it curved towards the bay. It was a complete semi-circle, and every part of the then town was within easy rifle range, from said line.

"The 'Decatur' opened with solid shot and shells —alternating with canister and grape. All day long the roar of the Decatur's cannon continued. The ground beyond Third Street was torn up by exploding shells—huge logs and trees were splintered by solid

shot—and seemingly every space covered by showers of grape and canister, but still Leschi's warriors held their lines. They kept up a desultory firing all day and continued the same until about midnight, when they withdrew as noiselessly as they came. Three whites were killed during the day—Young Holgate was struck by a bullet between the eyes, while he was standing in the block-house door, and was instantly killed. The others were killed in the attempt to go, or return from their cabins. Every house was struck by Indian bullets. Strange to say, no one was hit by the first general volley fired by the Indians. How many Indians, if any were killed or wounded, during the fight, has never been known.

"When the first gun was fired Mr. Butler and his wife were just sitting down to breakfast. They both jumped from the table and went to the door. The bullets from the answering volley struck all around them. Mrs. Butler hastened to the block-house and safely reached it. Butler gathered up a few valuables and followed in a short time. He, however, sought the friendly protection of logs and stumps, for the Indian rifles were now reloaded and the closeness of the whizzing bullets indicated that the Indians were watching his stealthy flight. He returned to his house in the same manner during the day for some portable valuables. While there, he went up stairs, but the bullets were rattling around in a manner a little too spiteful and plentiful, and he did not stay long. Those of the men who had rifles, took positions behind some protecting log or friendly stump, and fired at the spot where the puff of a rifle indicated an Indian warrior concealed. Whether these shots were effective or not, is unknown—they often caused a cessation of firing

from that ambuscade. As full of terror as were the events of that February day, the duration of its effect on the minds of the pioneer settlers of the embryo city was but brief. It was but a thrilling passage in the unwritten history of pioneer life. After the roar of the Decatur's cannon and the sharp crack of the rifle had ceased, all returned to cabins and homes, and soundly slept and sweetly dreamed of the good time coming. Such is pioneer life, and such the mental conditions, and characters it begets. Still we cannot disguise the fact that had it not been for the presence of the war-ship Decatur, with her complement of guns and fighting men, the town would have been plundered and burned, and its inhabitants would have perished in a terrible massacre.

"During that fated morning Chief Seattle with many of his tribe lay under the cover of the friendly shore-banks, silent and stolid spectators of the raging battle. During a lull in the firing, he, to the astonishment of all, leaped upon the bank and with arms flying, and voice roaring defiance, commenced a bending, bounding and contortion war-dance of the most intensified order. The hostiles quickly got the range, but as soon as the bullets commenced to sing around him in dangerous proximity, Seattle's feet flashed in air as he made a headlong plunge down the bank. Seattle's war-dance was over, and he attempted no repetition of the performance on that gloomy day. Many who witnessed this strange performance supposed that the old chieftain had received a mortal shot, but he had escaped without a scratch.

"The Indians, in giving an account afterwards, of the firing from the ship, said that they were not afraid

of the solid shot and grape and canister, but the guns that 'poohed' (or shot) twice were a mystery and terror to them. This was their description of the firing and explosion of shells.

"This was in harmony with the idea of the Indians on the plains in their first intercourse with the immigrants. The first immigrants' trains had with them mountain howitzers mounted on strong gun carriages. The Indians spoke of the Bostons as a tribe of men who could shoot their wagons at them.

"A kindred idea was entertained by the Mexicans, of the Spaniards when Cortez first invaded Mexico. The Mexican had no written, but a pictorial language. The Spaniard on his horse was pictured as one animal with two heads, four legs and two arms. This was the description which the correspondents of those days first sent to the Halls of Montezuma for the inspection of an affrighted monarch.

"We have already stated that during the battle a large number of shells fell upon the benches between Third Street and the bluff beyond. Most of them exploded when they struck the ground, or a log, or a tree. Some of them, however, did not, but buried themselves in the earth or under the roots of huge trees, retaining all their latent forces. It is said that our friend Dextor Horton on one of his tours of inspection of the improvements going on in his loved city one chilly day, passed by the lots on which Mr. Colman's fine residence now stands. Noticing a crater of fire burning in the center of a mammoth cedar stump, he drew near to it to enjoy the genial heat. As is always characteristic of man, he turned his back to the fire, parted his coat tails, and was comfortable. As the

day, although cold, was clear and the bright waters of the Sound were before him—the dark forests beyond and still beyond, the Olympic Range with its ragged ridges then snow-crowned—as he was drinking in this scene of beauty and grandeur, lo! a terrific explosion occurred. Impelled by the impetus of the explosion he made a quick start and very fast time, for a short distance. Convinced, however, that the shooting was over, he stopped and turned to see what had happened. The stump was gone, the fire extinguished, and he left with the mournful remark, that he had no idea the durn stump was loaded."

My Religious Belief

I believe in that system of religion which produces, in its practical operation, the best man and the best woman, the best husbands and the best wives, the best fathers and the best mothers, the most affectionate and obedient children, and the more honest and patriotic citizens and public functionaries. I care not what you may call it; by its fruit or practical results it should be judged. This is the Bible rule, and it is eminently practical and just.

I further believe in the existence of an allwise Creator of all things—the Supreme Ruler of the Universe. I do not beilieve in him as a Supreme Ruler located at some distant point in an immense Universe, but as an omnipresent God.

I believe in the immortality of man—not of his physical nature, but of that divine emanation breathed into the nostrils of man by his Creater that made him a living soul. It was an emanation from God and cannot die.

I do not intend to state more than one reason among many for my belief in the existence of God; but the immortality of man, founded on reason, outside of the Scriptural declarations, I shall present more elaborately.

When I take a survey of the Universe and find all things running in the rhythm of order and harmony, I ask myself the question: What is it that produces this universal order and harmony? No answer can be given

other than that it is the result of law. Now, we can have no more conception of law outside of a lawmaker, than we can have of an agent without a principal or an agency. Law and lawmaker, as well as agent and principal, are inseparably interlocked. The one cannot exist without the other. Therefore since we must admit the existence of law, the existence of a lawmaker is a necessary logical sequence: that lawmaker, is God. As to the immortality of the soul, I offer the following reason, founded principally on grounds outside of the Bible's declaration of the fact.

Ever since the poetic Job uttered the profound question, "If a man die shall he live again?" the inquiry has been ringing down the pathway of time with increasing interest. Man's immortality is usually proven by the declarations of the Bible, which are supposed to reveal it as an ultimate truth. The immortality of the soul is susceptable not of demonstration, but of reasonable proof by reason itself. If we concede the existence of God with the attributes usually ascribable to such a being, and which He must necessarily possess in order to be God, such as infinite wisdom, goodness and Almighty power, and if we concede further that He is the Creator of man, man's immortality results as a logical sequence from such concessions. The desire of immortality, if not universal among all conditions of men, at least approaches universality. This universal desire may be called an innate property, or attribute of man's moral constitution implanted in him by his Creator. It can not be true that a being with the attributes which we ascribe to God, could create man with such a desire, to tantalize him through life, and to disappoint him in death. Consider the fact that nowhere in nature, from

the highest to the lowest, was an instinct, an impulse, a desire implanted, but that ultimately were found the conditions and opportunities for its fullest realization. Consider the wild fowl that, moved by some mysterious impulse, start on their prodigious migrations from the frozen fens of the Pole and reach at last the shining South and summer seas; the fish that from tropic gulfs seek their spawning-grounds in the cool, bright rivers of the North; the bees that find in the garniture of fields and forests the treasure with which they store their cells; and even the wolf, the lion, and the tiger that are provided with their prey. Look in this connection to the brevity of life; its incompleteness; its aimless, random, and fragmentary carreers; tragedies; its injustices; its sorrows and separations. Then consider the insatiable hunger for knowledge; the efforts of the unconquerable mind to penetrate the mysteries of the future; its capacity to comprehend infinity and eternity; its desire for the companionship of the departed; its unquenchable aspirations for immortality—and let me ask: "Why should God keep faith with the beast, the bee, the fish, and the fowl, and cheat only man?" But the logical sequence from the concessions mentioned above is not the argument in proof of man's immortality which I desire to present.

The account of the creation of man as given in the Bible is remarkable for its statement of the distinguishing difference between man and the rest of creation. When man was created, God breathed into his nostrils the breath of life, and man became a living soul. He created the beasts of the field, the fowls of the air, the fishes in the sea and the creeping things on the earth, but none of these became living souls. This language, whether inspired or not, states the difference which

now exists and which has ever existed between man and the other created things. What do we understand by soul? By soul is meant the power to think, to reflect, and to judge of the moral quality of actions and thoughts. Let me take the sceptic's standard of what we should believe, and what we should not believe; that is, we ought not to believe that of which we have no evidence, and for which we can give no satisfactory reason. I proceed by a process of elimination, as will be readily seen. My first proposition, interrogatively stated, is this. Is the power to think and reflect and to judge of the moral quality of thoughts and actions, a property of matter or not? If it is a property of matter, then the sands and rocks and the earth think and reflect and judge of the moral quality of actions and thoughts; but we have no reason to believe that sand, or rock, or earth thinks, or that either possesses the ability to judge of the moral quality of actions or thoughts; hence we ought not to believe it. Thus we see that the general proposition is not true, and ought not to be believed.

Secondly—Is thought and the power to judge of the moral qualities of thoughts and actions a property of organized matter? The grass and shrubs and trees are organized matter; but we have no reason to believe, and no evidence upon which such a belief can be founded, that the grass, or trees, or shrubs think, or possess any power to judge of the moral quality of things; therefore, according to the standard which we have adopted, we ought not to believe it; hence the more limited proposition is not true.

Thirdly—Is the power to think, to reflect and to judge of the moral quality of actions and thoughts a property of animal organization? If it be, clams and

oysters as animal organizations think; possess the power to reflect and to judge of the moral quality of thoughts and actions, but we have no evidence that they possess any of these powers, and consequently we ought not to believe it.

Fourthly—Are the powers we have been considering essential to the existence of soul-life, possessed by the higher animal organizations, such as lions and tigers and domestic animals?

Here an important distinction must be noted. There is a thing, universally recognized as existing, called instinct. All of the actions of animals and many of the actions of human beings spring from instinct. Instinct was given for self-preservation and defense. It is a sort of semi-intellect, and sometimes in the perfection of its action is equal to the highest development of soul-power; for instance, the action of a bee, purely the result of instinct, in the economy of space in the fitness of all its contrivances in making the comb, is wonderful; no improvement can be made upon it by the highest development of inventive genius. How does instinct act as contra distinguished from actions based upon the exercise of soul-power? Instinct acts in a straight or direct line with its object. As an illustration,—a tiger is hungry, a man is hungry; the tiger sees a lamb—the man sees a loaf of bread in the baker's window; both, left to the impulse of instinct, would go directly to the object desired by each; the man, although cruelly hungry, as he approaches the object of his desires, says to himself, "This bread does not belong to me; it is the property of another, and I have no right to take it without his consent." Here we see, in the case of the man, a soul-power acting at right angles with the impulse of instinct and controll-

ing and governing the action of the man. It is only when men are controlled by soul-power, as against instinct, that they really are men in the higher sense of the term.

With this principle thus briefly stated, and carefully separating the actions of men as well as animals springing from instinct from the actions of men springing from the soul-power, we are prepared to make the declaration that the tiger is incapable of acting on the considerations that influenced the action of the man; the rightfulness or wrongfulness of his act in seizing the lamb did not, nor could it enter at all into his action; he was affected by no consideration of right or wrong, and indeed could not be; hence we are prepared for the conclusion that the power to think, to reflect and to judge of the moral quality of acts and thoughts, is not possessed by the higher animal organization, or, in other words, that they have no soul such as we have defined it. Having thus briefly shown by a process of elimination that man alone possesses the power that we have described as soul-power, we have established the first part of our argument.

Man alone being possessed of soul qualities, the question arises, what are the duration of these qualities? We argue that, being an emanation from God, they must of necessity partake of the nature of God, and are therefore indestructible, and eternal. But it is objected that when the body dies we see no more manifestation of soul-life. Concede it, for the sake of argument. Does it follow that the soul is extinct? The body was the instrument through which the soul manifested itself, just as the piano is the instrument through, or by which, a certain class or kind of music is manifested. Is the impairment or destruction of the par-

ticular piano, a destruction or extinction of that music? Who would thus reason? The music manifested through that piano had an existence in the mind, or soul of some person anterior to the existence of the signs made on paper by the use of which the music on the piano was produced, or manifested; and it is evident that the impairment or destruction of the piano did not destroy the music. What force, then, is there in the claim that, simply because the instrument through which the soul manifested itself is dead, the soul itself is dead, or extinct? There are many illustrations of this thought in actual life. The wonderful, almost inspired, conception of beauty, passion and anguish transferred by the artist's brush to canvas, as enduring monuments of the immortality of genius, existed in the mind of the artist before a single line of the grand conception was transferred to canvas. If there be any defect in the picture it is usually a defect of execution, not of conception. The canvas is but the means by which these conceptions of beauty, passion or anguish are manifested to the souls of others. Who will argue that the destruction of the frail canvas is the destruction of these conceptions? They existed before they were transferred to canvas; its destruction does not extinguish them.

It is said again, that soul-attributes are the results of that mysterious power called life, operating in connection with animal organization. But a tiger has life and animal organization, yet it is clear that he possesses no soul-qualities. Besides, if soul-qualities are the result of such life and organization, the manifestation of soul-power would be in exact proportion to the strength of the forces operating to produce this resultant; hence the elephant, in which these forces exist

in the larger degree, would give us the grander manifestation of intellectual and moral qualities. I have stated the objection and given a brief answer, but full enough to show the logical absurdity of the objection.

But it is said that soul-qualities are the active manifestations of gray matter in the human brain. We have already seen that the power to think, to reflect, and to judge of the moral quality of thoughts and acts, is not a property of matter. None of it, by itself or in combination, possesses this power. Wonderful have been the combinations and resultants of the operations of chemists, but life even in its simplest form is beyond their power. How much further beyond their power must be the production of the soul-power mentioned above! Besides, this gray matter has been analyzed and its constituent elements ascertained; none of these elements in its simplest form show any trace of this power. How is it possible, then, by combination to produce that of which no trace even existed in the elements? Then too, if this power is resultant, it is a law of chemistry that all resultants may be reduced back to its constituent elements. It would indeed be a wonderful achievement to reduce the power to think as a resultant, back to its constituent gases. Again, take the case of a strong and healthy man suddenly killed by a bullet penetrating both ventricles of the heart; this gray matter exists intact in the brain immediately after the extinction of life. Decay does not immediately affect its power. Does the man think, reflect and judge of the moral qualities of thoughts and acts after the extinction of life? If so, then this soul-power exists after death, and the argument answers itself.

This argument has proceeded far enough to show

its line of thought. Much might be added by way of illustration, details and further supporting propositions, but it is not deemed necessary.

I conclude, then, that the soul is not only a unit with the power ascribed to it, but that it is also an invisible, immaterial and eternal entity or being. This is but the enumeration of the attributes of a spirit or spirit-existence. I will not attempt to repeat the reasons found in every text-book of mental philosophy and moral science to show its unity. We have seen that it is not matter; yea, more, that it is not a property of matter; therefore that it is immaterial. If immaterial and possessing the power to think and reflect, and endowed with moral sensations and perceptions—the highest and best evidences of life—it is a spirit-existence. As such, what evidence have we that a spirit-existence was ever destroyed? That it exists in manifest. Existing with no evidence of its destruction or of its destructibility, we ought to believe in its immortality; hence, I conclude, if a man die, he will live again.

I have had a controversy on religious subjects but once in my life. I have always desired to avoid such controversies. Fixed religious opinions in the minds of others, especially of the old, I regard as sacred. To create a doubt, is to loosen them from their moral and religious moorings and to set them hopelessly adrift.

After I had left school and was recuperating at my father's house, a gentleman of the name of Wellover, who had known me all my life, and who was a plain man of the common people, came to my father's house to see me. His residence was in what was called the Burr Oak Settlement, distant about six miles from the town of Sturgis. He was a member of the Methodist

Church and a very exemplary Christian. He seemed to be much troubled. He said to me: "Orange, you know I have been a believer in the Bible and its doctrines for many years. A man has been delivering a course of lectures in the school-house in our settlement. He claims to be a Greek and Latin scholar, and he is attempting to show that the priests have so translated the Bible that it is a deception and a fraud. Now, Orange," he said, "I want you to go down with me to listen to one of his lectures, and afterwards to tell me whether his translations are true or not." I said to him, "You go up to town and see William Allman, who is a graduate of Greenbury College, Indiana, and is reputed to be a good Greek scholar, and ask him to ge with me. Tell him to bring with him his large Cooper's Greek Dictionary, and if he will go, I will also." He departed, and soon returned with Allman. I took my large Cooper's Latin Dictionary; we got into Wellover's carriage and we went to his fine residence, took supper with him, and then went to hear the lecture of that evening. We found a good-sized audience in attendance at the school-house. The lecturer, who had passed the middle age in life, stated in his introductory remarks that he would pursue the same course as theretofore, and show, by reference to the Greek and Latin languages, how the priests had translated the Scriptures; sometimes correctly, but in most cases, where their interests were involved, so as to create a dismal terror in the present, and perpetuate by fear, their power in the future. He said that if there were any present acquainted with these languages, he would be glad, if he made an incorrect statement, to be interrupted, and if the statement was incorrect he would correct it. He denied the existence of a God and the

immortality of man. He further declared that religion, on account of its doctrine of hate and vengeance, made men crazy. I interrupted, and asked him what was the proof of the last statement; he said the proof was manifest, for that men babbled of religion, of God, immortality and hell, after they became crazy. I answered by saying that I had heard men babble of snakes in their boots, snakes in the bed and snakes everywhere in the room, but I never knew that snakes had anything to do with their madness; in fact, I said, such madness had a well-recognized and efficient cause. He said: "Don't attempt to be smart, young man," and I took my seat. He further declared that if man were immortal, beasts were also, for the Romans had used the word "animus" indiscriminately as to both, and that the priests had translated "animus" to mean intellect and what was called by them, the soul of man. I told him I thought he was mistaken. He rather uncourteously asked me what I knew about Latin. I told him that I had some knowledge of it and that the Romans used the word "mens" from which we derived our word mind, mental, and many other words of the same character, to signify the soul of man; and did not use the word "animus" for that purpose, or with that meaning. I read to him and to the audience from the Dictionary the difinitions of "animus" and of "mens." This drove him out of the Latin language, and he and Allman had a spirited and sharp and somewhat personal dispute, about some Greek or pretended Greek word. The controversy showed that he had no knowledge, or only a very limited knowledge, of what he was talking about. He said, after the wrangle with Allman was ended, that he had been interrupted so much by the two young men from town, that he would not pro-

ceed with his lecture on that evening, but would close by telling his experience. He said that he had been a minister for eighteen years—nine years in the Methodist Church, and nine years in the Christian or Campbellite Church. He divided all ministers into two classes—knaves and fools. I interrupted him again and asked him, inasmuch as he had been a minister for eighteen years and classed all ministers as knaves and fools, what class he belonged to. He hesitated a moment and said: "I am willing to confess that I belong to the class of fools." "Then," I said, "that confession proves the Bible to be true, for it says, 'the fool hath said in his heart, "there is no God." ' The meeting dissolved, and he lectured no more in that settlement. His pretended knowledge of the Greek and Latin languages was a deception and fraud.

Indians and Their Customs

The Indians are fast passing away, and their customs and mode of thought are passing with them and will only linger in dim tradition. For over fifty-five years I have been in close contact with many individuals of the different tribes of Oregon, Washington, British Columbia and California and I have taken considerable interest in the study of their characteristics. I have already stated that the Indian is an impassive stoic. If he has any human emotions, they are with the exception of anger, never displayed in his countenance. When angry, his countenance becomes fixed, sullen, morose and determined. He does not voice his anger, but silently nurses his wrath to keep it warm. He has no wit, but has a keen sense of the ludicrous, sometimes degenerating into short pungent sarcasm. This is the exception, not the general rule. He reasons from surface indications and has a keen perception of the absurd, or what he considers such. I have given one illustration in the narration of R.'s civilizing efforts. It is stated that an Indian chief said to General Isaac I. Stevens, in one of his treaty conventions, "We and our fathers have always possessed this country. We have no objections to the whites coming and enjoying it with us. The country is ours. Why do the whites always urge the Indian to go upon reservations? The Indian never tells the whites that they must go on reservations." On my return from Colville in 1855 I met an Indian with a fine mare. I asked him if he would sell her to me. "Yes," he

said, "you may have her for fifteen dollars." I had with me a surplus of blankets and coarse but warm clothing, and I offered to trade him three pair of blankets and a suit of coarse clothing for his mare. It was a cold morning, and the grass was stiff with hoar frost. He had nothing on him in the shape of clothing or wraps, with the exception of a thin calico shirt. I told him that he needed these blankets and clothes to keep him warm. I asked him if he was not cold. He answered in the Yankee style by asking me if my face was cold. I told him "No." "Well," says he, "I am face all over."

The most thorough and extended system of Esperanto which ever existed, so far as my knowledge goes, was spoken on this Coast. It was an invention of the Hudson Bay Company, and extended and was spoken by the Indians generally from the northern portion of California through all of Oregon and Washington and British Columbia, and north of that along the Coast for a great distance. It was also spoken and understood by the pioneers, settlers and trappers through all this vast region. It was Spartan in some of its laconisms. As an illustration: I was appointed by the Court, in the trial of a criminal case in Southern Oregon, for the defense of three Indians on the charge of grand larceny. They were indicted for horse-stealing. The proof against them was clear and satisfactory. I labored to reduce the offense from grand to petit larceny, and I succeeded, for the jury brought in a verdict of "guilty of petit larceny." The Court sentenced them to three months' imprisonment each, in the county jail. When their time expired, the sheriff opened the doors and told them they might go; but, instead of going, they went to the further end

of a long, narrow hall, and two of them squatted in the corners and the other between them against the wall. The sheriff came to my office and said to me, "Jacobs, I want you to go with me over to the jail. I can't make those clients of yours understand that they may go." I went over with him and found them thus situated. I told them in the jargon, or Esperanto, that they had paid the debt they owed to the whites and that they were free to go to their homes to see their fathers and mothers, brothers and sisters and friends. The center man—the oldest of the three—slowly arose and very emphatically spoke the following: "Halo mammook, hiyu muck-a-muck, hyas close, wake klatawa." This being interpreted means: "We have nothing to do, we have plenty to eat, we think it very good, we will not go." We had to drive them out of the jail and into the road on their way home. I walked slowly back to my office meditating on the philosophy of such punishment for an Indian.

Before I came to Puget Sound I had heard of a cultus potlatch. A potlatch is the giving-away of all of our earthly possessions without any hope or expectation of any return, either in kind or value. There was an Indian on the Sound known by the whites as Indian Jim. Jim had a wonderful ability to accumulate property; he was an Indian Morgan, or Rockefeller. He was an expert gambler and trader, and very industrious withal. He usually worked at the mills, where many other Indians were employed, and he not only saved the money earned by himself, but obtained, by his expertness in gambling, much of the money earned by the other Indians, and much of that earned by the white laborers. This money he invested in blankets—usually at Victoria. Some of his accumulation of gold

he had changed into fifty and twenty-five cent pieces. He also purchased quite a quantity of calico and Indian trinkets. When he had secured a large accumulation of such things, he gave a potlatch. The one I attended was held on the tide-flats south of Seattle. As the time approached, many canoes were on the Bay, headed by a joyous crowd going to the potlatch. Jim was very anxious that I should attend the closing-day of the potlatch. I told him that I would go. He sent a large canoe with eight paddle-men to take me to the potlatch. So I went in style, I witnessed the closing ceremonies and Jim had enough to give every one in attendance, a blanket, or piece of money, or some gaudy calico, beads or other trinkets.

He even took off a pretty good suit of clothes that he was accustomed to wear and gave them away, substituting an old suit for them. He accompanied me to the city on my return. I said to him, "Jim, you now are a vagabond; you have no clothes to wear, no provisions to eat, and no money." He said that that was all right; he would soon get some more. He said it was all the same as that of the whites, but it was much better than the white man's potlatch. He said that whenever he met his friends he could see in their countenance a pleasant light. He also gave me to understand that it made a sort of nobleman of him. But he said when the white man died his children make a potlatch of what he left behind him; and, being dead he could not see in their countenances that light arising from what they had received from him. I thought possibly that Jim's philosophy had a touch of sarcasm, and a good deal of truth in it.

In Memoriam

James A. Garfield was elected President of the United States of America in November, 1880, and was inaugurated on the 4th of March, 1881; was shot and mortally wounded on the 2nd day of July, 1881; and was removed to Elberton, New Jersey, where he lingered until September 19th, and on that day he died—to the great sorrow of a waiting, hopeful and sympathetic Nation. No death in our history, save possibly that of Lincoln, so generally and profoundly filled the hearts of the American people with sorrow as did the death of Garfield. After its announcement a Nation, inspired by a common impulse, at once hung out the dark emblems of sorrow.

September 27th was appointed Memorial Day. On the 25th a public meeting was called in Seattle at the old Pavilion. Honorable Roger S. Greene was elected chairman of that meeting, and he was to act as such on Memorial Day. Myself, Rev. George H. Watson and Honorable William H. White were invited to deliver at that time addresses on the character and public career of the fallen statesman.

On the appointed day an audience of over four thousand people assembled in front of and on each side of the west end of the old Occidental Hotel. The officers of the day and the speakers occupied the first balcony of the hotel. The exercises were appropriately opened with prayer by Rev. Ellis. Honorable Roger S. Greene made a brief but earnest and impressive address, and introduced me in the following complimentary language:

"We shall hear from one to-day who can occupy an appreciative standpoint and speak of the departed President with more than common sympathy for his public purposes and deeds.

"Yet more. You yourselves have something to say. You seek one of yourselves to speak for you; one who not only, like the lamented dead, thinks as the people think and feels as the people feel, but one who belongs to this local community and who shares our own peculiar shade of sorrow.

"Such an one is here. He is a man skilled in the use of words, a man identified with yourselves, a man experienced and accomplished in public and national affairs, a man personally acquainted with James A. Garfield.

"Fellow citizens, I introduce to you Orange Jacobs, your orator of to-day."

Thus eloquently introduced to the audience, I delivered the following address:

"FELLOW CITIZENS:—In arising to address you on this occasion I feel my own inability to do the subject justice; and the hollow impotence of human language to express the sentiment of national woe. We have assembled to honor the memory, to revere the character, and recount the living virtues of a fallen patriot and statesman. James A. Garfield, the popular idol of the nation, is no more. His spirit has passed the bourne from whence there is no return. We have, in time of our greatest need, lost one of our greatest statesmen and purest patriots. In the mid-day of his manhood, in the midst of his usefulness, just as hope became steady, and faith reliant and sure, Mr. Garfield de-

scended to the grave. His sun of life has set forever. It fell from its meridian splendor, as falls a star from the blazing galaxy of heaven. No twilight obscured its setting.

"As the sun of the physical world—the brightest and grandest of all of the luminaries of the firmament sinks to rest, tingeing the clouds that stretch along the horizon with the golden glories of its declining rays, so Garfield, the sun-intellect of this nation, has gone to his repose, reflecting the light of his noble deeds and unfaltering patriotism, tingeing the breaking clouds of dissention with the beauty and effulgence of hope and peace.

"When the telegraph flashed over a hopeful nation the mournful news of James A. Garfield's death, with the previous knowledge of the cowardly means by which it was effected, the great popular and patriotic heart momentarily ceased its pulsations, and the life-current of a nation, stood still for a moment, until the energies of patriotic vitality gathered new force to repel the effect of the stunning shock. Unbelief and astonishment were succeeded by wordless sorrow, and this was mingled with emotions of patriotic vengeance. Patriots in this mournful hour can brook no sympathy for the damning deed—can bear no manifestation of joy for the bloody work of the assassin.

"James A. Garfield was the popular representative of American patriotism. As President he possessed no powers but those freely delegated to him by his fellow-citizens. His highest duty under the Constitution, and by the delegation of the people, was to preserve, protect, and defend the Constitution and Government established by the Revolutionary Fathers. In the faithful discharge of these duties, he was suddenly

struck down by an assassin. The blow struck not the President alone; it reached in its rebound the popular heart of America. The shot meant the annihilation of delegated power, and as such reached the fountains of popular vitality.

"The people, in the exercise of their inherent sovereignty, may elect, but if it does not suit he shall not live says the shot of the assassin. Such assassinations are extremely dangerous to liberty and constitutional government. If the will of the majority is defeated in this manner, popular government will not long survive. Anarchy, bloodshed and general civil war will succeed the rebound of the popular heart. The popular frenzy which developed itself in mobs in many sections of our country, on the reception of the tidings of Lincoln's death, is but the logical sequence of the assassin's stroke at civil liberty and popular rights. Then it behooves every well-wisher of his country, on such mournful occasions, to give emphasis and intensity to the nation's woe. For, mark you, fellow-citizens, there is a smothered volcano of wrath and vengeance in the great popular heart upon such occasions. A word may vent it, and fill all this fair land with the lava of blood and ashes.

"One more preliminary consideration before I call your attention to the life, character and public services of our dead President. What will be the effect and consequence of this horrid murder, considered with reference to national affairs? No one present can fully tell. Most of the ultimate consequences are too remote and recondite to be comprehended now. We must wait for the full development of the logic of events. This we know, that the time elapsing between the assassin's shot and the lamented death of his victim has been

sufficient for the supremacy of reason and the subjugation of passion so far as to prevent any immediate dire results to free government. The American people, yea the Anglo-Saxon race, are believers in law and order. They put their trust in and found their hopes upon a liberty regulated by law. Passion may triumph for an hour, but the sober-second-thought of the masses is sure to assert itself. Passion has never but once in our history crystalized into revolution. It is this subordination to law, this reverence for its majesty, this reliant faith in its methods and results, that constitute the bulwark of our liberties, and make the American people capable of self-government.

"James A. Garfield was born on the 19th day of November, 1831, in Orange, Cuyahoga County, State of Ohio, and hence was in his fiftieth year when he died. He was a graduate of Williams College, Massachusetts. After his graduation he followed the profession of teacher, and was president of a literary institution in Ohio for several years. He afterwards studied law, and so great was his proficiency, that in legal knowledge and forensic power he was a foeman worthy of the steel of such men as Stanton, Ewing, Stanberry and others of national reputation at the Ohio bar. He entered the Union army as Colonel of the 42nd Ohio, in 1861; was promoted to the rank of Brigadier-General January 10th, 1862; was appointed chief of the staff of the Army of the Cumberland, and was promoted to the rank of Major-General, Sept. 20th, 1863; was elected to the 38th Congress while in the field, and was successively elected up to and including the 46th Congress; and while holding this last position he was elected Senator from the great State of Ohio, to succeed Judge Thurman. He never took his seat, how-

ever, in the American Senate, for he was nominated and elected President, before Judge Thurman's time expired. I ought to have mentioned that in 1859-'60 he was a member of the State Senate of Ohio. Such is a brief history of this remarkable man.

"James A. Garfield, in common with Abraham Lincoln, the patriotic and lamented Douglas, and the eloquent Clay, sprang from the loins of the American people. These all forced their way from poverty up to commanding positions and national renown. Their genius for public affairs was triumphant over all opposition and victorious in their rising greatness. The success of such men is possible only in a government by the people. Be it said to the everlasting honor of the people, and their fitness for government, that they not only recognized the ability of these men, but they gave them their affections without stint, and their hearty support in opposition to party. And to-day, from his sublime heights, he whom we commemorate beholds a manifestation of this affection, by a nation in mourning.

"His knowledge, tact, and judgment made him equal to every position bestowed upon him by the partiality of his countrymen; yea, more, he was a leader in all. As a student, scholar, and teacher he stood high. As a soldier his coolness in the shock of battle, as well as his admirable foresight and judgment, won for him rapid promotion. As a legislator, debater, orator and statesman he had but few equals and no superiors. And it was in these capacities that I knew him well, as it is in the character of Congressman that he is best known to the great mass of the American people, I pause for a brief time to consider some of his qualities as a legislator.

"He was for many years, while the Republicans had control of the House, Chairman of the Committee on Appropriations. This was a position of the highest importance and of the most commanding influence. It gave him control of all the appropriations of the Government and made his the actual leader of the House. A defeat of this committee by the House would be as disastrous to the party in power as the defeat of the ministry in England: a defeat by his own party would show such lack of unity of purpose, and of objects, and ideas on the part of the majority, as to render them incapable of carrying on the Government.

"Firm, decided, full of expedients, and wonderful in debate, he not only carried his measures triumphantly through, but at each session strengthened his hold upon his party and the country. In the fierce contests that raged upon such occasions, he showed that his knowledge and intellect were stupendous. His quick perception grasped, his strong memory retained, and his ready logic commanded, immense sources of useful knowledge, gathered from science, reflection, the history of the past, and the stirring events of the present. In debate he rejected all rhetorical ornament, all ostentation and show. Stating his premises concisely, his reasoning led to the conclusion aimed at, as irresistibly as the current of a deep and strong river leads to the sea. There was a logical force and point to his clear sentences that tended to his conclusions with the directness and certainty with which the successive steps in a mathematical demonstration point to the grand result. In making an attack or repelling an assault upon his position, he always had a mark, and his intellectual shots fell in and around that mark with effective proximity.

"But while he was truly great in devising and successfully carrying through the great appropriation bills, made necessary by the enormous expenditures of the war, he was greater by far as the philosophic leader of his party.

"After the power vanished from his party in the House, although his knowledge, of the principles and rules of parliamentary law was full and accurate, he rarely spoke on questions of order; but when the principles, policy, methods, or measures of the Republican party were attacked, he was always put forward as their champion; and, although men will and do honestly differ about such matters, yet by the concessions of friend and foe alike, the proudest monuments of his intellectual greatness have for their base these masterly vindications.

"He had a power of generalization and classification possessed by but few men. He was not a logician in the popular sense of the term. He addressed the intuitions, and consciences, of men quite as often as their reason. John C. Calhoun, Senators Morton and Bayard and Garfield, stand unrivalled among American statesmen for their wonderful powers of generalization, classification, and analysis. This power made Calhoun a dangerous antagonist to Webster, with all his sledge-hammer strokes of logic and incisive reasoning. Morton's fame and reputation rests upon this foundation alone. Garfield possessed this power in a remarkable degree. It was this power that enabled him to hold popular audiences even in a two-hours' speech on the dreary topics of finance.

"He gathered up the fundamental principles underlying the complicated topics of political economy,

stated them with such clearness and simplicity, as not only to bring them within the comprehension of, but to make them attractive to the ordinary understanding. The most voluminous and complicated mass of facts, fused in the furnace of such an intellect, is quickly reduced to order; the good separated from the bad, the valuable from the worthless; and the principles underlying the good and valuable made manifest, like as the fire of the furnace releases the precious metal from the rock, dirt and sand by which it is surrounded, and utilizes it for purposes of commerce and civilization.

"As a speaker he was always dignified and impressive. He had strong convictions, and he uttered them with courage and earnestness. He was one of the few members who could always command the attention of the House. I have seen him arise in a tumult of excitement, and as soon as the tones of his clear, ringing voice echoed through the vast hall, all was hushed, and every ear was open, and every eye was turned toward him. I was present when he delivered his great speech on the importance and necessity of standing by the Resumption law and the currency of the Constitution. Many members were wavering, hard times were abroad in the land; bankruptcies were frequent, and enormous in amount. There was an appalling shrinkage of values, and a wild cry came up from the North, the South and the great Inland West for more money. The advocates, of the policy of largely increasing the volume of the greenback currency, were jubilant; but that speech decided their fate.

"The doubting were convinced, and the wavering fixed, in their determination to stand by the Resumption law. Resumption succeeded. The national honor

was preserved. Business rests upon a solid foundation and an era of prosperity prevails. To no man is the nation more indebted for this auspicious condition of affairs than to him whose untimely death we mourn to-day.

"Notwithstanding the earnestness and boldness of Mr. Garfield's utterances, everybody was his friend. They gave him credit for honesty, and sincerity. So sure it is that these qualities always command our respect, if they do not excite our admiration.

"The sterling qualities which I have briefly mentioned, together with his known and accepted position on the great public questions of the day, secured Mr. Garfield's nomination to the Presidency at the National Convention, which met at Chicago on the 2nd day of June, A. D. 1880. His competitor, as all know, was a patriotic and illustrious Union General. The contest was remarkable for its thoroughness and intensity in the doubtful States, but Mr. Garfield was clearly and fairly elected, and on the 4th of March last, was duly inaugurated. He entered on the discharge of his duties as President under the most auspicious circumstances. We were at peace with all the world. The wounds of the war had been healed, and the work of reconciliation had fairly been accomplished. Prosperity reigned supreme; the good time had come and the people rejoiced. Menaced by no external power and free from domestic dissensions, he could turn his entire attention to the internal machinery of government. He determined to distinguish his term of office by its purity of administration, and its economy of expenditures. Only four months was he at the helm, but his achievements in that time will be remembered long, and bless the land for years. In that brief time he routed the army

of contracting thieves from their entrenched position in the postoffice department, and established a standard of official integrity and honor that carried dismay to the spoils-hunter and dishonest official. But just as he had fully gathered the reins of government in his hands, and sent forth the uncompromising demand for honesty and integrity from all officials, and while preparing to enforce that demand, the assassin's bullet paralyzed his power and arrested the much-needed work of reform. That he made mistakes may be conceded, for all human judgments are imperfect; but the cold and passionless voice of history, though it may find fault or flaw, will more than satisfy those who loved him most, and will place his name among the highest and purest in the list of human rulers.

"In contemplation of the solid and brilliant abilities of a great man, we often lose sight of those qualities that endear him to friends, and to the loved ones around the home circle. Man may possess transcendant genius, and be the idol of the populace, and yet be selfish, unsocial and cruel at home. Towering ambition may, and sometimes does, subordinate the love of wife, of children, and of parents, to its gratification. Such was not the case with Garfield. His home was his retreat from the storms and battles of life, where love reigned supreme. The telegram dictated by himself to his wife on the 2nd of July last, just after the fatal shot, was full of the holy felicities of domestic life. Mrs. Garfield was in Elberton, where the President finally died. The telegram read: 'The President wishes me to say to you for him, that he has been seriously hurt, how seriously he cannot say. He is himself in hopes you will come to him soon. He sends love to you.'

"The voice of ambition was hushed. The counsel and association of a statesman was subordinated to the presence and society of the loving and faithful wife; and how touching has been her devotion; how grand and noble her fortitude in that trying hour! Some one has truthfully said that there are but three words of beauty in the English language, and they are: 'Mother, Home, Heaven.' All know that the love and affection of our dead President for his aged mother, who by the cruel shot of the assassin, will be the chief mourner at the grave of her dear boy. These are the qualities, more than the brilliant display on the rostrum, in the forum or before enraptured thousands, that give the full measure of a noble manhood. This display may co-exist with selfishness and meanness; love and affection sanctify the noblest gifts and the loftiest aspirations.

"No account of Mr. Garfield's character would be full and complete without a statement of his deep and fervent religious convictions.

"No man with his breadth of knowledge, with his complete mastery of the processes of induction and analysis, and with his metephysical character of mind, could ever be a disbeliever in the existence of God and the immortality of man. Hence we find him a member of a Christian Church and a regular attendant upon its services. The problem of human origin and human destiny early engaged his thoughts, and secured his profound consideration. He *believed*, and endeavored to regulate his conduct, habits, and life by Divine laws.

"In conclusion let me say, the hero statesman of this age, and the loved idol of this nation, has gone down to an honored grave. He died in the zenith of

his reputation and glory, after a struggle which has held the admiration of the world for his heroism and manhood. He lived long enough after the fatal shot to feel the sympathy of the nation, and the deep indignation of the people, at the manner of his taking-off. He has gone to the still heights where crime and pain come not. A nation mourns his loss, and millions of freeman now and hereafter will revere his virtues and guard his fame.

"Though dead in the flesh he lives in the spirit, and in the affections and memory of his countrymen.

"The principles and lessons he taught are his best legacy to his country.

"His memory will never die until time shall be no more. The tears of a sorrowing people will water the sod that covers the remains of their loved magistrate; and from every blade of grass that grows, and from the leaf of every flower that blooms upon his grave, an avenging spirit shall arise to demand requital for the damnation of his taking-off. Then at the grave of the great departed, let us tender anew our vows of fidelity to our country and to freedom, and consecrate every wish and aspiration of our hearts to an undivided and free Republic, remembering that though Presidents may die our country must and shall live forever. 'God reigns, and the Government, at Washington still lives.' "

When I had finished speaking the chairman introduced Rev. George Herbert Watson, whose address was very sympathetic and scholarly as well as impressive. The chairman next introduced the Honorable William H. White, whose address was brief, earnest, patriotic and eloquent.

Political and Not Party Convictions

I have always been of the opinion, and have so declared in public speeches and newspaper articles, that the true policy of the Pacific Coast was the division of its area into small States. I will give but a few of the many reasons for such opinion, for I do not intend to go elaborately into a statement of them. The time for effective action has passed. I desire to state only enough to show the trend of my views on the subject.

First, then, as to the lower house of Congress. The area of the three states bordering on the Pacific Ocean—California, Oregon and Washington—is fully one-half covered by mountains. The sides of these mountains are to a certain extent covered with a heavy growth of timber and with practically impassable canyons; their ridges sharp, gravelly and sterile, with fertile coves and small valleys as yet unoccupied by either the hunter or the hardy woodsman. Many cycles of years will roll away before these fertile spots will be occupied with the romantic homes of these last-named classes.

The Atlantic Coast in the same number of degrees of latitude, commencing at the forty-fifth degree on the coast of Maine and proceeding south for sixteen degrees, is covered to some extent with mountains; but as a general rule they are low as compared with our ranges. Much of the land on their slopes is rich and accessible, and all of their fertile slopes, coves and small valleys have been long since occupied.

I state these facts to show that in addition to natural causes the States bordering on the Atlantic in the same number of degrees of north latitude, as will more fully appear, must continue to have the dominating power in the lower house of Congress. The three States bordering on the Pacific Ocean extend over sixteen degrees of north latitude. Commencing at the 45th degree in Maine and going south sixteen degrees, thirteen States border on the Atlantic. These thirteen States have a representation in the lower house of Congress of 103 members; while the three States bordering on the Pacific have a representation of fourteen members. Thus it is manifest that for many years to come, and possibly forever, with a slowly-diminishing power, the Atlantic will have the control on all subjects of tariff, of finance, of currency and of immigration; subjects in which the Pacific Coast is deeply interested, and upon some of which there is not only an actual, but growing conflict of interests and convictions. Add to this the further fact that Washington and Oregon extend inland for over four hundred and fity miles, and California on an average of two hundred and fifty miles, and, applying the same rule of inland extension to the Atlantic Coast, Pennsylvania and West Virginia, with their thirty Representatives, would be let in and added to the 103; thus giving to the Atlantic Coast permanent control of all those vital subjects of legislation, so far at least, as the lower house of Congress is concerned. It will thus be seen that a fatal mistake has been made in the political division of the Pacific Coast. I have confined myself strictly to the Ocean-bordering states. The great Inland Empire, lying between the Rocky Mountains on the west and the Alleghany Range on the east, is more intimately and

strongly connected by commercial and financial ties with the Atlantic than with the Pacific Coast. As a partial compensation for this inevitable want of political power in the lower house of Congress, it was the true policy, as I have declared, for the Pacific Coast to divide its immense territorial area into small States, so as to secure in the United States Senate, an approach to equality of political power. We have seen that within sixteen degrees of north latitude on the Atlantic Coast there are thirteen States, bordering on the ocean, with twenty-six Senators; while on the Pacific Coast in the same number of degrees of latitude there are but three States, with only six Senators. California should have been divided into three States; Oregon, into three States; and Washington into three States. This would give only nine States in a far greater territorial area than that contained in the thirteen States bordering on the Atlantic Ocean. Even then, this would give us only eighteen Senators; but it would be a nearer approach to equality in political power than now.

The question may be asked: Are there no means by which this fatal mistake may now be remedied? As a lawyer, and being somewhat acquainted with the history of my country, I am compelled to answer, No.

On the admission of a State into the Union, there is an implied compact on the part of the Federal Government to defend such admitted State against all unlawful invasion of its territory. If there be a dispute about boundaries, it must be settled in the proper Court, and the final decree of that Court will be enforced by all the power of the Federal Government.

Again, the possession of power is always connected with the desire to perpetuate it, and also with a sensi-

tive jealousy of all measures having a tendency to diminish its controlling effectiveness, or to lessen the value of the units constituting that power. The admission of every State has, to some extent, this effect; hence the demands are more exacting, and the admission more difficult, now, than heretofore.

There has been but one instance in our history where a State has been divided, and the segregated portion been admitted into the Union as a State; and that is the case of West Virginia; but that admission was based on facts and conditions which every patriot hopes may never occur again. Virginia not only claimed the right peaceably to secede from the Union but to be the sole and exclusive judge not only of the existence, but also, of the sufficiency of the causes, to warrant such secession. She did all she could to make that secession effective. Old Virginia had by her act, and by her theory of the nature of the Government under the Constitution, estopped herself to deny that the forty-eight counties west of the Alleghany Range possessed the same right of secession—if any such right existed—that she possessed herself; she could therefore make no rightful objection. The people of the forty-eight counties were loyal to the Federal Government, and flag. They called a Convention, adopted a Constitution republican in form which was approved by nearly unanimous vote of its legal electors—28,321 for and only 572 against—and under that Constitution, with the name of West Virginia they were admitted into the Union on December 31st, 1862. This was done partly as a war measure, and partly to show the disintegrating effect of the logic of secession.

The State of Texas requires a brief notice. She was admitted into the Union as a State on December

29th, 1845. By the prudential foresight of her statesmen, in a compact entered into between her and the Federal Government, she reserved the right to form four additional States out of her large area. She has not as yet exercised that right, but no doubt will in due time; thus securing ten Senators, while the whole Pacific Coast, with almost twice her territorial area, has fixed its number irrevocably at six.

The Ram's Horn Incident

Esau sold his birthright, with all that it implied, for a mess of pottage. Infant communities, whether territorial or municipal, feeling the pressure of present want, are always tempted by money-sharks to mortgage, sell, or surrender, for a mere song, rights and franchises of a constantly increasing income, and relinquish political power necessary for a legitimate assertion and protection of their rights in years to come. A striking exemplification of this short-sightedness appears in what is said above as to the formation of only three States to cover the whole Pacific Coast. The supplicant for this birthright, and all its prospective enormous income, finds his most congenial and hospitable host in a municipal legislature. He is usually, but not always, accompanied by the fascinating Miss Graftis.

There are two cases in our municipal history that I will briefly note as illustrations of this tendency. In neither, so far as I know and believe, was there any graft. In both I was to some extent officially connected; in the Rams-Horn case painfully so; in the Railroad Avenue case simply as an officer and protestant. Many years ago—the dates are not important—the Columbia and Puget Sound Railroad Company asked the City Council of Seattle for the grant of a right-of-way for a railroad track down and over West Street. This was the historic Ram's-Horn. I and a few others op-

posed the grant. The City Council hesitated. Its members desired the approval of the grant by the people, and especially by the lot-owners along the street, before they acted. A meeting was called at the Pavilion to secure, if possible, such approval. The meeting was fairly attended. Mr. James McNaught, a shrewd and able man and lawyer, was attorney for the Company. He read the proposed ordinance and explained its provisions, and then, with a glowing eulogy on the advantages of a railroad, closed amid the vociferous applause of the audience. I arose to oppose the grant; but as there was a continuous and determined cry of "Vote!" "Vote!" "Vote!" "Vote!" I resumed my seat. The proposed ordinance was approved by about a two-thirds vote of those present, and the City Council speedily enacted it into law. The Railroad Company built its road from the south end of the town and laid its track down to Columbia Street; there it stopped, to await the result of certain condemnation proceedings. The wearers of the shoe, although voting for its purchase, soon felt its pinch, and they wanted compensation for its pain. The Company threatened to go across Columbia Street. It was stopped by a judicial restraining order. Having been elected Corporation Counsel, I came into the case a short time before the hearing on the motion made by the Company for the vacation of this order. The former legal adviser of the City, and who had commenced the suit, I asked to continue in the case and to argue the pending motion. He did so, and made a technical and very ingenious argument against the validity of the grant. I must confess that I believed the ordinance valid, and that the objections urged against it were unsound, and I was fully con-

vinced the Court would so hold. In the mean time Columbia Street had been graded and macadamized. Its surface was fully eighteen inches above the railroad track. Being fully informed by a careful personal inspection, and thorough measurement by experts, of the exact fact, I proposed to compromise. I first proposed to allow the Company to cross Columbia Street, but to cross at the existing grade. This would require a reconstruction of the tracks already finished, and subject the Company to many suits for damages in case of their change of grade. Secondly, I agreed to withdraw the pending suit if this proposal was accepted by the Company. This all took place in open Court, and the compromise was approved in open Court; the ordinance, at the request of the Company's attorney, was declared valid by the Court. The compromise was also approved.

The next morning, to my astonishment, a large force of men was put at work by the Company to cut through Columbia Street; basing its action on the alleged ground that the compromise was null and void because of a mutual mistake of the facts by the parties. There was no mutual mistake. I fully knew and understood all of the facts.

An incipient riot was in progress; but the interference of the police and the issuance of a restraining order soon put an end to operations. The newspapers emptied their vials of wrath on me as the principal sinner.

An appeal was taken by the Company to the Supreme Court, and that learned and unimpassioned tribunal affirmed every position taken by me in the case; it held the ordinance to be valid and the compromise

binding. Thus, ended the somewhat celebrated Ram's-Horn case, and with it that railroad across Columbia Street.

On the publication of the decision of the Supreme Court, it was amusing to see my calumniators retreat to cover; still damning, however, with faint praise.

Railroad Avenue

There is one more topic of intensified local interest that I will briefly notice. I am now and always have been opposed, not to Railroad Avenue, which extends along the water-front of the city, but to the network of tracks permitted and authorized to be placed thereon. At the foot of Columbia Street, crossing Railroad Avenue to the west line thereof, you cross nine railroad tracks, or eighteen lines of slightly elevated railroad iron. Such are the existing and authorized conditions. I have always been opposed to those conditions; first, because they are unusual, unnecessary and dangerous; unusual, because no city can be named permitting such a nuisance; unnecessary, because one track, or, to be liberal, two tracks, with spurs to the warehouses on the west and the wholesale or commission houses on the east, where the conditions permit it, would be ample, under the control of an intelligent company or management, for all the purposes of trade and commerce; dangerous, as experience has shown: the killed and injured on this interlocked system, intensified by supervening and dense fogs, speak only by groans and death-knells. I have opposed this network of tracks because instead of being an aid to travel and commerce, it is an actual obstruction of them. The idea of doing the commercial business of a million people, or one-half a million, with the accompanying passenger traffic, across nine railroad tracks, carries with it a strong implication of the absurd. In actual operation this

implication becomes an irritating reality. The City Council has recognized the fact and prohibited the closing by any railroad company of the mouth of any street for over five minutes; but this is only a partial aleviation, and not the removal of the obstruction or danger. Railroad No. 1 closes it for four-and-a-half minutes; Railroad No. 2 closes it for four-and-a-half minutes; No. 3, for the same length of time. The closing is really continuous. Thus legally you can stand in the street, endure the slush and rain for at least twelve minutes to study the beauties of nature and of an enveloping fog, and enjoy the beneficence of the clouds in dropping their garnered fatness down.

The irritation arising from these causes will intensify with the increase of population and the swelling of the volume of coastwise and ocean commerce. Let the population of West Seattle reach twenty thousand or more; let "the mosquito fleet" be doubled and ocean and coastwise steamers be multiplied, with the consequent enormous increase of the volume of business—and the demand for the modification, or entire abolition, of this irritating nuisance will become imperative. Some of the railroads have wisely noted the indications of the coming storm and have tunnelled under the city, deeming it cheaper to pay interest on permanent tunnel investments, than to pay damages for slaughter and injury on the avenue. Railroad Avenue is now used, to a great extent, as a train make-up yard, as a switching-ground and as a depot for loaded and empty cars. This will be continued with a constantly increasing exasperation, until the City is compelled to re-purchase at an enormous expense, that which was granted as a free gift.

The Great Seattle Fire

June 6th, 1889, will ever be a memorable day in the history of Seattle—that being the day of the Great Fire which, like a besom of destruction swept out of existence a goodly portion of the embryo city. Brilliant prospects, and glowing anticipations, evanished like the rainbow amid the storm of fire. Nearly all the business houses were reduced to ashes; or, if any portion of their roughly serrated and toppling walls remained, they were a silent and menancing memento of the fierce power of the fire-fiend. The fire originated in a paint shop, on the water front near Madison Street, in the careless upsetting of a flaming pot of varnish. There was a stiff breeze from the northwest, constantly accelerated by the ever-increasing heat. The fire, easily overcoming the heroic efforts of the Volunteer Fire Department, swept south and southeasterly, crossing Second Avenue at the rear end of the Boston Block, burning a large frame building immediately south of, and abutting upon that block; thence, in the same direction southeast nearly on a straight line, thus taking in the Catholic Church; thence onward to the Bay, making a space swept by the fire a large triangle, with an area of from thirty to forty acres.

The Boston Block was saved through strenuous efforts of its tenants; long scantling were carried by them into the hall on the second story. Having raised the windows at the end of the hall, the south end of the frame building burning first, we succeeded by our

united strength in forcing the unburned portion over into the consuming caldron of fire to the south. Thus the Boston Block, though somewhat scorched, was saved.

Jacobs & Jenner had their law offices near the north entrance, and during the progress of the fire many persons whose residences or places of business were along its actual or threatened track, presuming on our generosity and permission, brought armloads of portable valuables, snatched by them from the very teeth of the fire, and in an excited manner, placed them against one of the walls in the offices. So doing, they rushed out in the hope of reaching their residences or places of business again; but the surrounding wall of fire, with its intense heat, forbade. Some of them soon returned and dropped into seats, and their countenances were the pictures of sadness, sorrow and despair. I said to one, a noble specimen of physical manhood and latent energy: "Sir, your actions are unmanly; hope, even in your case, has not bidden the world farewell; cheer up, sir—just before dawn the darkness is the deepest." Within a year from that time my admonished friend was worth far more than he was before the fire; and he often reminded me of my rebuke, as he called it.

Being satisfied that the offices, papers, library and furniture were safe, I locked the doors and went up to my residence on Fourth Avenue, where I had a commanding view of the progress of the fire.

The view was grand but terrible—sublime but cruel. I never before was so impressed with the idea of annihilation, as I was in viewing that rolling, rushing, leaping and devouring volume or field of fire. In oth-

er days I had witnessed miles of fire, impelled by a fierce wind rushing over a prairie covered with tall and dry grass; but it only stirred within me the emotions of beauty, grandeur, and sublimity; there was nothing in it of terror or desolation, nothing of the wrecking of brilliant prospects, nothing of blighted hopes, nor of gloomy disappointment intensifying into despair. Ever and anon, as the rushing waves of the Seattle fire would roll over and envelope a drug or other store where powder or other explosives were kept, a volume of flame would shoot upward, with a deafening roar, towards the clouds, as though claiming the storm-king as its kinsman.

To the owners of lots in the burned district the fire was a blessing in disguise. To them there was a smiling face behind a seemingly frowning Providence. Even if they were the owners of the frail wooden structure that had encumbered their lots, the structures added nothing to the value; and the rapid and unprecedented increase in the value of their holdings amply compensated for any losses by the fire. The real loosers were the renters of shops, stores or saloons, where goods, tools, materials and machinery were destroyed by the intense heat, or went up wholly in flames.

But a few families lived in the zone of the fire. As to them, many kind hands soon removed their household goods beyond the danger-line.

The district swept by the fire was the local habitation of the fallen angels, hoboes, and gamblers, and of that large class whose particular mode of subsistence is, and always has been, an unsolved mystery. The fallen angels and the upper class of gamblers could take care of themselves. The hoboes and the class of

mysterious subsistence-men were afloat and hungry. Besides these, there were a large number of worthy and needy persons whom it is always a pleasure for the good to help; hence, a free-lunch house was opened in the Armory. There is always in a free-lunch a fascination that tends to increase the number of applicants therefor. This general law had no exception here. This led to a stringent examination of the right of all who appeared to partake of the generous bounty offered to the worthy and needy. This careful and necessary scrutiny soon led to a stoppage of the free-lunch business. The worthy in many cases needlessly took offense, and the baser order of fellows were loud in their denunciation of the alleged selfishness of the generous purveyors. The people of Tacoma promptly and nobly rushed to the assistance of Seattle, with provisions and personal services. The leading men of that city poured out their means lavishly and served as waiters at the tents erected for the feeding of the multitude.

Business soon revived with an enthusiastic rebound. The town was scorched, not killed. It had passed through an ordeal of fire and was found to be not wanting in true metal. Work was furnished for all desiring it. The hoboes departed, and with them most of the mysterious-subsistence men. The burned district has been rebuilt with stately blocks of brick, or stone, or steel and cement, and its streets and sidewalks have been paved with brick, stone or asphalt. Not a smell of fire nor sight of wooden structure remains in this once ash-covered and desolate district.

Game, Animals and Hunting

With something of a reputation of a hunter, I have often been requested by Eastern, as well as local sportsmen, to give an enumeration and description of the game and wild animals in this State and in Oregon. I shall confine myself exclusively to this State. I have heretofore written a description and given an enumeration of the game and other wild animals in both States, but I have neither the manuscript, nor the newspaper which printed it. In again attempting an enumeration and description, I shall add some of my personal experiences, as well as those of others.

There were no quail native to Washington or to Oregon, except the southern portion thereof—save the mountain quail, a lonely solitary bird, of about twice the size of the bob-white. Its habitat is the dense copse or thicket. I have never seen them in flocks or groups, save when the mother was raising her large family of young birds. When no longer needing the mother's care, they pair off, and the young birds, or family separate.

They are very alert; they are great runners, but do not, unless hotly pursued, often take to wing. When they do, they are swift flyers and dart through the narrow openings in the tangled thicket with remarkable celerity. The male bird is proud and rather aristocratic in his bearing, and flourishes on his head a beautiful top-knot. I have bagged quite a number of them, but have nearly always shot them on the run and

not on the wing. They are not numerous. Their flesh is delicate.

The California quail was brought into Washington at least fifty years or more ago. Three of us—James Montgomery, Judge Wingard and myself—in the fall of 1872 brought from Pennsylvania sixteen pairs of bob-whites, which were turned loose on Whidby Island. This was, so far as I know, the first and last importation of the bob-white to Washington. When turned loose on Whidby Island, they gave every indication of pleasure in being upon Mother Earth again. They ran about, jumped up in to the air, scratched the earth and wallowed in the dirt, and had to all appearances a play-spell, full of joy. They mixed readily with their California congeres; they have spread over Western Washington, and are quite numerous.

The pheasant, or ruffed grouse, are natives of Washington. They were very abundant in early days, but are fast disappearing. Being a bird easily bagged, and the flesh being of delicate flavor, they are fast vanishing before the advance of the settlements. The game laws may arrest their slaughter and prevent their complete annihilation; but I doubt it. The crab-apple, on which they principally feed, abounded in all the valleys and in the moist and rich uplands. The ground where the crab-apple tree flourished has been cleared and a portion of their food-supply has been cut off. The repeating shotgun is also helping to reduce their number; and unless the game-laws are rigorously enforced, these causes will soon sound their doom. Right here I am tempted to state that the crab-apple of this country is entirely different in form and size from the same fruit in the East. Here, it is not

round but elongated, and is about as large as a good-sized bean.

The woodcock is not an inhabitant of this State. The rail is rarely seen; but the jacksnipe is very plentiful in the late fall and up to mid-winter, when the great majority of them depart for warmer marshes. They do not breed here. This bird, in its quick and upward bound and its swift zigzag flights, is a recognized test of the sportsman's skill. Snipes are often bagged here, but not in the romantic way. Snipe on hot toast is a breakfast dish fit for a king.

I had a sporting friend—a doctor—with whom I often went snipe-shooting. This doctor was the best snipe-shot I have ever known. His bag was always packed, while mine was comparatively lean. On one of these occasions our trip was to a tide-marsh and island south of Seattle. Early in the hunt we crossed a slough when the tide was out and found the birds very numerous on the new hunting-ground. The doctor brought them down right and left, while I was slowly increasing the fatness of my pouch. The doctor's success and consequent enthusiasm made him oblivious of the flight of time and of the movement of the tide. He had patients to visit, and when the sun was disappearing behind the western clouds and hills, he suddenly remembered his obligations to them. When on our return we came to the slough, we found it full and overflowing; the water was fully eight feet in depth and twenty feet or more in width. There was a good deal of floating debris in the slough, and the doctor, being a very agile man, leaped from log to log and safely made the passage to the other shore. He said to me, "Come on, Judge; you can easily make it." I told him that I had never prided myself on my agil-

ity. "Well," he said, "I will make a bridge for you;" and with the use of a pole he gathered the floating logs together, so that in appearance they looked like a safe bridge. But I said to him, "Doctor, I have all the confidence in the world in you as a physician; but you will excuse me,—I have no confidence whatever in you as a bridge-builder." He said with a little impatience, "O, quit your nonsense and come over; I will show you that the bridge is perfectly safe;" so saying, he leaped upon it and disappeared in the water. He soon re-appeared, however; and as he crawled up the slimy bank, the water spouting out of him in every direction, I said: "Doctor, you look very undignified." He answered, "You go to .....," politely called Hades. I went down the slough, thinking he might be slightly out of temper, and found a safe crossing. I rowed him home—issuing an occasional mandate that he should take a certain medicine, of which I carried in my breast-pocket, a bottle for such occasions. The good doctor has gone to his long home. He sleeps in the bosom of his fathers and his God.

Of the duck family the following species are abundant here: the teal, the mallard, widgeon, pintail, canvasback, spoonbill, sawbill and woodduck. The three last-named species breed in this country, but migrate early in the fall. Formerly the mallard and teal bred here in large numbers on the tide flats and on the marshes along the creeks and rivers; but the advancement of the settler and the trapper, and the hunter with his repeating rifle, has driven them from their accustomed love-haunts, to the more secluded fens and marshes of the farther north. Birds as well as humans are sensitive to disturbance in their love-affairs. The canvasback is a late and temporary visitant of our

lakes, marshes, and tide flats, on his journey to the south. He remains for a time on that journey, and for a far shorter time on his return north. The impulse of love impels him to the secluded fens and marshes of the northland. The other species visit us in early winter, and are mostly gone by mid-winter. Their stay is very brief on their return in the spring.

In 1869, and prior to that date, brants and wild geese—or honkers—were very plentiful in the Puget Sound basin. The tide flats were their favorite feeding-ground. They have been compelled by the advance of the settlements to abandon them, and in lieu thereof, they have chosen the wheat-fields in Eastern Washington. There has been no seeming diminution in number of either brant or geese—simply a change in their feeding grounds.

The lonely cry of the loon, presaging storm or tempest, is heard from the forest-environed lakes and waters of the Sound.

The swan occasionally drops into our secluded lakes, and there alone, or with his mate, remains, if the environments suit him and food is plenty.

The pigeon is not numerous in Western nor, as I am informed, in Eastern Washington. He is slightly larger and wilder than his congere of the States. He is also of a deeper blue than his Eastern kinsman. He is only semi-gregarious. I have never seen him in large flocks or in great numbers together. He is not hunted much and is not valued as a choice game-bird.

The prairie-hen, or chicken, is not a native of and does not exist in Western Washington. This excellent game-bird is very numerous, or was in years agone, along the rivers and creeks in the valleys and on the rolling uplands of the great Columbia River basin.

The incoming of the white man, with his trained dogs and with his breech-loading and repeating shotgun, has greatly diminished its numbers. Its unacquaintance with the white man and his terrible instruments of destruction made the bird an easy prey to the hunter. It was familiar to the Indian, and presumably gauging fairly his destructive power, constantly increased in number. The felon coyote was a far more dangerous enemy, being a robber of its nest and devourer of its young. The bird is slightly smaller and of lighter color than his Eastern congere. These birds are much prized by the epicure for the rich delicacy of their flesh.

Corresponding in number but larger in size is the blue grouse, of the fir and cedar forests of Western Washington. I hardly know how to describe this bird —one of the finest of game-birds. His habitat in the winter or rainy season is the dark, gloomy, and thick forests of fir and cedar trees. There he dwells, possibly with his chosen mate, silently and noiselessly, and in a state of semi-hibernation, until the genial warmth of spring arouses his love, and he and his mate descend to the sunny lowlands or ridges for the rearing of their numerous family. After they have found a suitable or familiar location, the male selects some fir or cedar tree, or clump of fir or cedar trees, in the vicinage, and during the nesting season keeps up a continual love-call to notify his presence, or by his silence or flight to warn her of threatened danger. When the bevy of beauties are fully hatched, the male descends from his eminence and spends his time in assisting care and watchfulness. Perched on some tall tree in their immediate vicinity, he by calls warns his mate of approaching danger, and by the direction of his flight indicates a place of safety. His mate and the young-

sters soon follow, if able to fly; if not, they remain under the care of the mother, deftly hidden under the leaves or grass; after which, she often flies away by short flights with simulated disabled indications, to invite pursuit, and thus save her young. When the young are fully grown and strong of wing they all depart for the deep woods, and no more is seen or heard of them until the coming spring. Until the young are fully grown and the time of their departure has arrived, they are often found in large bevies or flocks; but when that time, late in the fall ,has arrived, they silently depart for their winter home.

Killed in early spring, their flesh is so strongly tinctured with the flavor of the buds of the fir and cedar, their winter food, as to be unpalatable to most persons; but if killed in the fall, after a summer's diet of insects, seeds, grain and berries, their flesh is of a delicious flavor and greatly relished. This excellent game-bird, though decreasing in number from the general causes already stated, will, on account of its mode of existence, long escape the doom of annihilation.

The sand-hill crane rarely visits Western Washington. He is more frequently seen in the Eastern half of the State.

There remains but one other game-bird for notice, and that is the sage-hen of the sage-covered valleys and plains of Eastern Washington. This bird does not exist west of the Cascade Mountains. It is anti-gregarious, save as in the consorting cares of a numerous family. When the young arrive at full growth they pair off and separate, and the family relations are no longer recognized. If the males are less numerous than the females, polygamy is allowed. This is a law, however, that runs through many of the bird families.

The cock is a bird midway in size between the common domestic fowl and the turkey, and has long legs. He is a good runner. He rarely takes to the wing, and then only when hard pressed. His flight is low but swift, and he soon drops to the ground and speeds away on his legs to a place of safety. His food in winter consists of leaves and buds of the sagebrush; and when killed in the early spring his meat is too strongly impregnated with the rather acrid and unpalatable flavor of the sage, to be relished; but if bagged in the fall, after a summer's feeding on insects, seeds and grain, his flesh is savory and delicious.

I ought possibly, to make a brief statement, as to the Mongolian pheasant, and the Chinese rice quail—both of which, in limited numbers have been brought to Western Washington and turned loose here. Their increase has not been as great as anticipated. In Oregon however, the increase of the Mongolian pheasant has been phenominal. It abounds every where in the great Willamette Valley. It seems to love an alternation of grain fields and contiguous chaparral cover. It is emphatically a seed feeder or graniverous bird. The female, with the nursing assistance of the male, usually raises two large broods per year. This accounts for its great and rapid increase under favorable conditions. In size this bird is slightly larger than the prairie chicken—has long legs—is a rapid runner—and when it takes to wing is a low and rapid flyer.

In Western Washington the limited number of grain fields and the absence of contiguous open ground —seems to be unfavorable to their rapid increase. Still in the cultivated valleys where these conditions exist, they are fact increasing in numbers despite the fact that they are an easy prey to the pot hunter.

Of the China rice quail, I know accurately, but little. There were for a time a few flocks of these birds in the vicinity of Seattle; but they have almost entirely disappeared. Whether such disappearance is attributable to the lack of food or to the persistent activity of the trap hunter I am not able to say. They preserve their family or flock relations until late in the spring, and hence the bevy may be swept out of existence by one successful fall of the trap. From my observation and limited study of their habits, I would say that they were chaparral, or tulie birds, with their choice habitat near human habitations. In size they are slightly smaller than the bob-white and their flesh is delicious.

Washington is emphatically a game country. The hunter may here realize his fondest hopes. The elk, mountain sheep or goat, deer, bear—black, brown and cinnamon—cougar, lynx, wild-cat, in their native and congenial habitat—I would not forget the wolf—can always be found. I propose to notice each class briefly in its order.

First, then of the Elk. The mountains, with their barren ridges, their wooded slopes and sunlit coves of peavine, clover and nutritious grasses, as well as the dark forests of the foothills, are their congenial habitat. Rarely are they found in the lowlands, and then only when they are forced from their mountain-home by the deepening snow. They have been styled the antlered monarchs of the forests, and this description is not inapt. If suddenly, within short range you startle from their secluded sylvan couch a band of forty, fifty or more of these antlered monarchs, with horns erect and every eye turned upon you as an enemy, you are deeply impressed with the majesty of their bearing.

Soon, in obedience to the danger-call of certain warning whistles, they speedily form into line under some veteran and well-recognized-leader, and speed away in single-file for miles, over a country impassable to the hunter, before a halt is called. The hunter who does not improve his chance effectively when the game is started from its couch has lost his opportunity, perhaps forever.

This noble game seems to love the Coast Range of mountains, and there exists in large herds and numbers. This is especially true of the Olympic Range. If this kingly game-animal is to be saved from utter annihilation, stringent laws must not only be enacted for his protection and preservation, but must also be vigorously enforced.

Heretofore, they have been slaughtered in large numbers for their hides, their horns and their teeth; while their carcasses have been left where the life-struggle ended, to be devoured by the wolf, cougar, lynx or wild-cat.

While the mountains bordering on the Ocean seem to be preferred by this antlered monarch, yet he may be found in considerable numbers on the Cascade Range, especially on its timber-slope and in the dense forests on its foothills.

I have killed quite a number of these noble animals, but never, under any circumstances, where I could not make uses of the carcass. I never had, or experienced any joy arising from the mere love of slaughter. With gun in hand, with hunter's blood in your veins, and noble game within easy range, it requires a high degree of moral courage to refuse to manipulate the trigger of your trusty rifle. With car-

niverous, or dangerous animals it is different; slaughter becomes a virtue and not a vice.

The habitat of the mountain sheep, or goat is on and around the barren peaks and ranges of the higher formation of mountains. He is a wary animal, hard to approach and difficult of shot. He is always so located that a single bound puts him out of sight. If perchance, you could make an effective shot as he leaps from narrow bench, to narrow bench, down the rocky and steep side of the mountain, of what use would he be to you?

I have succeeded in killing but one. I have hunted the mountain districts where they are plentiful, and I had determined to kill one if possible. I hunted slowly, cautiously and stealthily. I frequently caught sight of them leaping down the mountain side. At last I aroused one from his couch and shot him on his first jump. He rolled down the mountain-side a short distance, but with some difficulty I dragged him to the top of the ridge. His meat was sweet, juicy and delicious, greatly relished by all the party. I had, had glory enough, and never specially hunted them again.

The black, brown and cinnamon bear are natives of Washington, and their numbers are in the order given. A bear is a semi-carniverous animal; he lives on fish, berries, succulent and saccharine roots, larva, honey, and is especially found of pork. He appeases his appetite for fish by a nocturnal visitation of the rivers in which the salmon run, especially in the salmon season; he roams through the woods in the berry season and feeds on the toothsome food present in the forest. He unearths the yellow-jacket's scanty storehouse of honey, and consumes it and the larvae of the nest; he invades the farmer's domain and carries off

some of his most promising porkers. The habitat of the brown, and cinnamon bear is the mountains and their foothills. They are not often seen unless you invade their solitary domain. I am not prepared to say what is their principal food, but suppose it to be the same as their kinsman the black bear.

The cougar is a native of this State and can be found where dense thickets and dark forests exist. He is a sly, skulking and treacherous animal, mostly nocturnal in his destructive visitations. I have often gone on a brief hunting-trip into the foothills of the mountains when they were slightly covered with snow, and a dense fog would settle down, obscuring all landmarks; but, in obedience to a safe rule, have retraced my steps to the foot of the hills on my return home. On several of these occasions I have found that a cougar had come upon my trail shortly after I had entered the hills, and had stealthily and continuously followed me up to within seven, or eight rods of the point of my return. When I commenced my return, he, no doubt, leaped off into the covering brush, and, although sharply looked for by me, the dense fog and the thick brush hid him from my view.

The cougar is strictly a carniverous animal. His principal food is the deer; and it is said that he requires two a month for his subsistence. That he is a good feeder is evident from the fact that he is always sleek and in excellent condition. He has a great love for the meat of the colt, and is consequently a terror to breeders in that line. He is not a hater of veal or pork, but does not prefer the latter.

He is generally considered a dangerous animal, and numerous are the stories told of fortunate escapes from his ferocity. Many of these stories have

no foundation other than the surrounding darkness, the rustling of the leaves, or the twigs by the wind, and a lively imagination. While some of these narrations have an element of truth in them, they are generally greatly exaggerated. But let me be understood that when he is pressed by hunger and famished for want of food, I do consider the cougar a dangerous animal. Few, however, are the reliable accounts of his attacks on the lonely traveler in the woods, even under such conditions. Two instances have occurred since my residence in the Puget Sound Basin, which, from my acquaintance with the parties, I am willing to vouch for. A friend temporarily stopping at Mukilteo desired to go to Snohomish City, a distance on an air-line of about six miles; there were two routes—one, by steamer or canoe, of full twice that distance; the other by trail almost directly through a dense forest. Being an expert woodsman, he chose the latter route. He was unarmed, and had not even a pocket knife. He spoke of his defenseless condition on the eve of his departure, but he feared no danger. He had proceeded about a mile-and-a-half on his journey when, in a dense fir and cedar forest, he met a cougar in the trail. The animal commenced stealthily to crawl towards him after the manner of the cat approaching his prey, purring as he came. My friend made a loud outcry, but this did not interrupt the cougar's slow and stealthy approach. It would have been more than useless to run—so he braced himself for the final spring. When the animal came near he stood sideways to the brute; and when the cougar made a spring, he presented his left arm and the cougar seized it midway between the wrist and the elbow, and pushed him hard to throw him off his feet, but failed. Being a strong and mus-

cular man, and his right arm being free, he struck the cougar on the nose, a hard blow with his clenched fist. The cougar, however, kept his hold. Summoning up all his energy, he struck the second blow on the nose of his enemy, and while it drew blood the cougar still held on. Satisfied of the insufficiency of such a mode of defense, and casting his eyes about him, he saw a portion of a cedar limb standing upright in the brush several feet from him—the limb being about two inches in diameter and three feet in length—and he suffered the cougar to push him in the direction of the limb. Having obtained it, he struck the cougar a powerful blow across his face, and, although the cougar winced some, the effect was for the animal to sink his teeth deeper into the imprisoned arm. My friend concentrated all of his energy and struck a second blow with his club. This blow was temporarily stunning and effective. The cougar released his hold on the bleeding arm and, dazed somewhat, disappeared in the surrounding forest. My friend retraced his steps to Mukilteo, now a suburb of the busy and prosperous City of Everett.

One more instance: A gentleman of the name of Cartwright was in former years an extensive logger on the Snohomish River in the Puget Sound basin. At the time of the occurrence I am about to relate, he had a large logging camp about three miles above Snohomish City. There had been a deep fall of snow, and he left his home and went to the logging-camp to see how the operation was affected by the unusual snow. On his return late in the afternoon, he met a large cougar in the snow-beaten trail. The cougar slowly approached him in the manner described in the first instance. Mr. Cartwright was wholly unarmed; he tried

to alarm the cougar by a wild outcry, but to no purpose, so far as the cougar was concerned. Some sixty rods away there was a bachelor's cabin. The bachelor had three fierce dogs and they promptly answered Mr. Cartwright's signal of danger; and their master, being at home, urged them to the rescue. When their welcome bay approached, the cougar ceased his purring, stood up, and soon leaped off into the dark forest and disappeared, very much to Mr. Cartwright's relief. He presently reached the river, unmoored his boat, and with the aid of a strong current soon reached his home.

An Experience of My Own

In the summer of 1855, I accompanied a hunting and fishing party, high up into the Cascade Mountains. Our route was along the Santiam River, and we made our final camp, at the west end of a narrow prairie, that stretched along for over a mile at the foot of the mountain ridge, on the south side of the river—a short distance beyond, was the highest table land, or dividing plateau of the mountains. The fishing was excellent—the hunting—it being the month of August, was indifferent; because the black-tailed buck at that season was lying in some sunny spot on the mountain side near water and grass—hardening his horns.

My companions in wandering or climbing along the brush covered sides of the mountains, had several times started a large buck who passed down the sides of the mountains by, to him, a well known but secret trail, and crossed the head of the narrow prairie, and then dashed through the thick brush by an accustomed trail to the river below. The space between this prairie and the river, was a succession of descending benches. These benches had before this time been covered with a very thick growth of fir. When this fir had reached the height of eight or ten feet, a fire ran through, and killed nearly all of it, and another growth of fir had sprung up, making the descent to the river an almost impassable tangled mass. As we were out of venison, it was proposed that I take two

rifles and go to the head of this narrow prairie, while my companions should go up on the mountain side, and by the making of a great deal of noise, start this buck from his sylvan retreat, and when he came down the mountain and crossed the upper end of the prairie, I should improve the opportunity to kill him. The plan worked admirably. He came through the thick brush on the mountain side, and dashed across the prairie. When he was nearly opposite to me, I fired at him with my own rifle, but struck him a little too far back. Before I could get the second rifle in my hands, he was in the brush and out of sight. I reloaded my own rifle, and went to the spot where he was when I fired, and I found that he was shot through the lungs, because the blood came out in sprays; and as it came out on both sides the bullet had evidently, passed through him. I followed him up slowly, by crawling through the brush—sometimes on my hands and knees, and at other times, after the manner of a serpent. He stopped frequently. When he did, he left a small pool of blood. My judgment was that the bullet struck him while he was stretched out, and that the skin closed at time over the mounth of the wound; and that he was bleeding internally—I concluded that as soon as he attempted to go down a steep incline, the blood would rush forward and smother him.

I approached a gully or deep ravine, which he must cross, and I carefully kept a big ash tree, that stood on the rim of the gully, between me and the gully. When I arrived at the tree I stealthily looked down into the gully and saw the buck in a small open space, and also a large cougar, standing along his back intently looking at him in the face. I muffled

the cock of my rifle, and soon sent a bullet through the cougar's head. He fell beside the dead buck. Disregarding the safe rule of the hunter, without loading my rifle, I slipped down the steep incline and with the breech of my rifle I straightened out his tail, and was just in the act of pacing to ascertain his length from the tip of his tail to the end of the nose, for that is the hunter's rule for determining the size. Just as I was in the act of doing this, a small quantity of fine white bark fell on me and all around me, I looked up and on a large limb of the ash tree, nearly directly over my head, I saw a female cougar. Her hair was raised up, her back bowed, and her tail rolling. She was crouched for a spring. I kept my eyes upon her, raised my powder-horn to my mouth and pulled out the stopper with my teeth—then felt for the muzzle of the gun and poured until I thought I had powder enough, and soon after found that I did have plenty. I then took a bullet out of my pouch and rammed it down without a patch—dropped the ramrod to the ground and put a cap on the nipple. Then I gently raised the gun towards her, and she showing a good deal of agitation, drew herself up into a menacing attitude as prepared to spring—but I quickly fired and she came from the limb seemingly leaping as though she had not been struck at all. I jumped back a few feet, but her nose brushed me as she was descending to the ground. She fell dead at my feet. I had my hunting-knife in my hand ready to plunge it into her if she moved—but the bullet had done its work effectually.

I have always been of the opinion that I shot her just as she was in the act of making a leap upon me. I loaded my rifle and then crawled to the top of the

gully, and my companions soon joined me. I rehearsed my adventure to them, and after so doing, one of them went for a pack-mule, while the others sought out a passable route through the brush to the prairie. The mule protested against his load, but blind-folding allayed his fears.

A Battle Rarely Seen

Late in the fall of 1867, I accompanied the Hon. P. P. Prim, who was District Judge for Jackson and Josephine Counties, Oregon, from Jacksonville to Kerbyville—the county seat of Josephine County—to attend a term of court to be held at Kerbyville in the last named county. The Honorable James D. Fay, and also other lawyers accompanied the Judge to Josephine court. There had been high water and sweeping floods which had rendered the crossing of the Applegate River on the bridge, which was located about two miles above the Applegate's junction with Rogue River, dangerous and impassable. So as we were making the journey on horse back, we crossed Applegate about twenty miles above the bridge and pursued our journey along and over the foothills on the left bank of the river, intending to stop at a hotel on Slate Creek on the left bank of the Applegate, and on the north bank of said creek about two miles from said hotel. Passing across the mouth of a cove in the hills, we heard to our left a noise, and looking in that direction, we saw a female cougar and a mealy-nosed brown bear engaged in a bloody battle. We stopped and watched the fight for about half an hour. The battle ground was on a gentley sloping grass-covered side hill. The bear persistently kept the upper side. The cougar kept in front of him. The cougar was forcing the fighting. The battle proceeded with almost regular rounds. The cougar paced back and forth in front of the bear for

a few moments; the bear intently watching her movements, when she would make a spring; the contact was furious. Sometimes they would seize each other with the jaw-hold, and to our astonishment the cougar was more than a match for the bear in this hold, and the bear made every effort to break it—throwing himself upon the ground, and digging furiously into the cougar with the claws of his hind legs. By these means he would speedily break the jaw-hold of the cougar. The hold having been broken, and the combatants having separated, the cougar would pace back and forth in front of the bear for a few moments and then leap upon him again. Sometimes the bear would hug the cougar closely, and use the claws of his hind feet with terrific effect. Thus the fight proceeded. Both were covered with blood. The bear would quietly sit during the intermissions in the fight. As the day was fast waining, we left them still fighting, determining that we would go to Slate creek—cross it—get some rifles from our host, and then return; but when we came to Slate creek, we found it a raging torrent—overflowing its banks, and spreading out over its narrow valley. Our host, anticipating our coming, had selected a place for our crossing of the creek. We had to swim our horses across the dangerous current for some twenty or twenty-five feet, and although we successfully made it, yet we were thoroughly wet. Although our host having hunter's blood in his veins, was anxious to go to the scene of the conflict, yet we so dreaded the crossing and re-crossing of Slate creek that we denied ourselves the pleasure.

On our return about a week afterwards two of us stopped over at our friend's, and went with our

host out to the battle ground; but we found no trace of either combatant.

On my return to Jacksonville I wrote up and published an account of the battle—it was signed by all who witnessed the fight—but I have not the manuscript nor its copy.

We all had our opinions of the cause of the conflict. The prevailing opinion was that the bear had been interfering with the young of the cougar.

The lynx, and wildcat may be briefly noted. They are both nocturnal marauders. They are rarely seen in the daytime. Either of them located in a dense copse near the ranch or farm, with a forest-reach beyond, is a pestiferous nuisance which must be abated with a gun, dog, or trap, before either lamb, pig, or chicken is safe. I do not believe in poisoning. It is cowardly and dangerous.

The wildcat is an intractable and untamable animal. His ferocity is never softened under the influence of kindly treatment. He is the concentrated embodiment of spite and viciousness. Chained, it is always dangerous to get within the inner circle of the metallic tether. He is the pest of the deer-hunter. There is no mode of hanging up your game, if you leave it in the woods over night, which is safe from the thieving of this ever-hungry marauder.

On two occasions, I have found him seated on the hams or saddle of my suspended venison, and I have shot him. On the last occasion, I did not kill but severely wound him. I approached him. He was fiercely on the warpath and tried to get to me. I put a bullet through his brain and ended his warlike career.

Two species of wolves are natives of Washington —the everywhere present coyote, and the large dark-

gray wolf of the mountains. The coyote does not in any considerable numbers visit the Puget Sound basin, or tributary country west of the Cascade Mountains. His choice habitat is the sage-brush plain, and the grassy undulations of the great Columbia River basin. The mountains and their rough and sunless canyons are the habitat of the large dark-gray wolf. He also loves the depressions in the high mountain ranges where there exists usually an alternation of marsh and thick forest. His dismal howl may nearly always be heard amid the solemn stillness of these places. It was and still is dangerous to tether or hobble your horse in such a place, as the early immigrants learned to their sorrow. Many a fine animal was hamstrung or seriously wounded. Large packs of these wolves often follow the deer, their usual prey, to the foothills and outlying settlements. While the wolf in this country is not considered an animal dangerous to man, yet, when driven from his mountain home by hunger, and he assembles in packs in the foothills and low grounds, he may be and probably is dangerous. An experienced hunting friend of mine of the name of Taylor lived on a ranch, in the early pioneer days, about a mile south of the now busy and prosperous town of North Bend, in King County. This small but fertile valley in which his pioneer home was located, lay near the base of the foothills of the Cascade Mountains. It was his custom, after a light fall of snow, with his trusty rifle in hand, to mount his favorite riding horse, and, with a pack animal at his side, to go to the timber skirting a prairie adjacent to the foothills, to kill from one to three fat bucks, and to return the same day. On one of these occasions, carefully hunting three or four hours for game, he found no

deer, but saw plenty of wolf tracks. He concluded that there had been an invasion of his hunting ground by mountain wolves, and a departure of the deer for safer feeding grounds. He immediately commenced his return to the trail where his horses were tied. Soon, however, he heard the patter of feet and saw a slight movement in the brush on every side of him. A closer observation showed that he was encircled, by from fifteen to twenty mountain wolves. Although a man of nerve, he confessed that he was somewhat alarmed. His situation was a novel one to him. He had a muzzle loading rifle, as he had always refused to adopt the repeating rifle because of its alleged want of accuracy. As the wolves were slowly contracting the circle surrounding him, he concluded to tree. He did so, taking his rifle up with him. The wolves formed a circle about the tree and, sitting or slowly moving about, looked intently at him as if in expectation of their coming feast. Solemnly contemplating the situation, and its possible dire results, he concluded to try the effect of a shot upon this hungry pack. Quickly suiting the action to the resolve, he sent a bullet crashing through the brain of one of the larger ones. The animal leaped into the air and fell dead. Its companions rushed upon it and fiercely tore its body to pieces. Finding that his first shot was ineffective for rescue and quickly deciding on a theory different from that which prompted the first shot, he sent a bullet into the abdomen, of one of the sitting and waiting animals. This always produces a stinging, writhing and painful wound. The animal struck, leaped into the air, wheeled around several times, and then, with a dismal and alarming howl, started off, his companions with him, on that "long gallop that can tire

the hound's deep hate and the hunter's fire." My friend, thus fortunately relieved from his imprisonment, quickly descended from his perch and hastened with anxious steps to his horses—and then to his home.

The most valuable and useful of all the game family to man, and especially to the pioneer, was and is the deer. Without venison the table of the pioneer would be lacking in one of life's choicest and most sustaining food. Of beef, pork and mutton, in any of their various forms, he had none. The rifle was his purveyor; a table furnished with delicious venison, the realization.

Deer are everywhere to be found in this State, and especially in the wooded country west of the dividing-ridge of the Cascade Mountains. While he likes open ridges and sunny coves as a roaming or feeding-ground, a dense thicket or sylvan bower is the deer's dormitory.

I can say, without a breach of modesty, that I have been a great deer-hunter. I have found him in larger numbers on the islands of the Sound, than elsewhere. On one of these islands, Whidby, I found quite a number of pure white, and also spotted or, to use the popular expression, calico deer. Before this I had doubted somewhat the existance of the pure white deer; but while hunting on that island I came in view of a large five-pronged white buck, a spotted doe—his seeming companion—and two calico fawns. I saw them from ambush, and my first impression was to shoot the buck; but I hesitated, and finally concluded not to do it. After observing them for some time, I alarmed them and they disappeared in the contiguous woods. After their departure, I went to the ranch of a pioneer-friend, and I found that he had in a small

park a pure white buck and five does—some spotted, and others of the ordinary color. I learned from him that the progeny of the buck in a great majority of cases was of the usual color—sometimes calico, but rarely pure white. I tried to purchase the only pure white fawn—offering fifty dollars for it—but he refused.

Deer were so plentiful in pioneer days, especially on the islands of the Sound, that the pioneer had to fence against them. These fences were from ten to twelve feet in height, and, as one expressed it, made watertight. The deer is very fond of growing oats, of potatoes, which he readily digs with his sharp hoofs, of cabbage and lettuce, and other products of the field and garden.

The cougar, the wolf and the lynx, the natural enemies and destroyers of the deer for food, do not exist on the islands; hence their large and, if left to natural causes, their constantly increasing numbers.

The deer on the islands of the Sound, as a general rule, are smaller than those on the mainland; and my observation is, that they increase in size as you go back from the shores of the Sound, through the continuous woods, to the foothills and mountain-slopes.

All of the deer in this State belong to what is familiarly known as the black-tailed family. It is not common in the great basin of Puget Sound, including therein all of the country west of the dividing-ridge of the Olympic Range, to find and kill a deer decidedly fat. In Southern Oregon I have killed what was called bench-bucks, as fat as any mutton I ever saw; but the ridges and foothills where they roam were covered with oak timber, which produced an abundant supply of

acorns, of which they are very fond and upon which they plentifully feed. Such food is rich and fattening. There are no oaks or acorns in this State; at most, they are so exceptional as not to deserve notice.

Lingering along the snow-line in the mountains, and ascending and descending with it, is a species of deer known as the mule-deer. He is so called for two reasons: first, many mules have dark stripes across their shoulders and the same kind of stripes across the loin; the mule-deer has the same; secondly, the mule-deer has enormous ears, equalling, if not exceeding, in size those of the mule. His head is more like a calf's head than that of a deer. He frequently reaches in weight two-hundred-and-fifty and even three hundred pounds. He is king of the deer family. He is not often shot, as he is known, only, to the hunter and the adventurous pioneer.

This concludes my brief account of the game and other animals of Washington. Well-considered laws have been passed by the Legislature for the protection and preservation of the useful, and for the destruction of the non-useful and dangerous animals. It is hoped that these laws may be thoroughly enforced.

During my residence on the Pacific Coast I have, on invitation, delivered many addresses before Bar Associations, County and State; before Odd Fellows' and Masonic Lodges and Literary Societies. I have pronounced obituary addresses on the life and character of persons of National, State, and local reputation. Many of these I have in manuscript. I give here an address on reminiscences of the Bench and Bar in early days, delivered before the Washington State Bar Association at its meeting in Seattle in July, 1894:

ADDRESS.

"Called upon at the eleventh hour to fill the place of one well qualified by education, by experience and by a wider and more extended observation than myself in the field of legal reminiscences, I feel some-what the embarrassment of the situation. The Committee showed the highest appreciation of the fitness of things and of persons, when they made my friend, now recreating in the sunny clime of California, their first choice for the pleasing task now, unfortunately for the Association, devolved upon me. It is a case of devolution, not evolution. I possess not that gravity of countenance, nor that dignity of demeanor, nor that solemnity of vocal utterance, so necessary to give full zest even to a well-told tale. My absent friend possesses these qualities in a high degree.

"In every new and sparsely-settled country there is always a closer social intercourse between the Bench and the Bar, and a greater freedom of utterance, than in after-years. When population increases to the dimensions of a Commonwealth, and costly Court Houses are built, there is connected with every Court-room, a sort of "holy of holies," from which the Judge emerges in the morning and, after the crier performs his duties, into which he enters at night. This may, and probably does, aid in the dispatch of business, but it operates as an effectual curtailment of that free-and-easy social intercourse which once existed. We rarely see the Judge now except when he is fully clad with judicial thunder. I do not know that I desire a full return of the customs of other days, but I would, if I could, check this tendency to social isolation.

"In those good old days, my absent friend was dis-

cussing a motion before his Honor, Judge Greene, involving the question of whether certain alleged facts amounted to fraud. In support of his contention, my friend was reading copious extracts from *Browne on the Statute of Frauds*. In doing so, he was constantly calling that author's name Brown-e?'' ''Why do you call that name Brown-e?'' asked the Judge. ''It is spelled, ''answered our friend, with charming gravity, ''B-r-o-w-n-e; if that is not Brow-ne, I would like to know what it does spell?'' ''I spell my name,'' said the Judge, ''G-r-e-e-n-e. You would not call me Greene, would you?'' ''That depends,'' replied our friend, ''on how your Honor decides this motion.'' The Judge waived the contempt and joined in a general laugh.

''It is a delicate matter to discuss the qualities, mental and otherwise of a living and honored brother, and I hope to be pardoned for the following: Wit and humor, though distinct, are often confounded. The grave and solemn man is often full of humorous conceptions. He suppresses their utterance sometimes with difficulty. He consumes them in an internal feast of pleasure. It is an exhilerating, but lonely feast. In this there may be a tinge of selfishness; but we will not condemn. But when he opens the mental throttle and allows them to flow forth, they give pleasure to all and continue as a pleasant and fragrant memory. Judge Greene, though not a wit, is full of humor. His description of an 'Inspector afloat,' in an Admiralty case in this then District, in which he contrasted what an Inspector afloat ought to do and see with what this Inspector did not do or see, is an admirable specimen of genuine humor. I believe that it was published at the time, but I presume that only a few of my hearers have ever seen it. It ought to be republished. It is

worth preserving. It was possibly this latent trait in the Judge's mental constitution that led to the following scene:

"There was an attorney at Steilacoom, where Court was then held, of the name of Hoover. He was a bright, active young man, but his chirography resembled, in illegibility if not in form, the Egyptian hieroglyphics. He filed for a client an answer to a complaint. The Honorable Frank Clark, attorney for the plaintiff, demurred to it, because it did not state facts sufficient to constitute a defence; in fact, did not state anything; that if it did, it was wholly illegible and past finding out. As soon as Mr. Clark had finished reading his demurrer, the Judge, who prided himself on his ability to read all forms of handwriting, asked Mr. Clark to hand the answer to him, saying that he thought he could read it. It was handed up to the Judge. He read the first line in the body of the answer all right, but utterly broke down on the second line. He scaned the remainder of the answer deliberately and with care, then handed it to Mr. Hoover, asking him to read it; the Judge meantime watching him with an intensified if not admiring gaze. When Mr. Hoover had finished the Court said, 'Mr. Hoover, hold up your hand.' Mr. Hoover did so, and in that solemn position the Court swore Mr. Hoover as to the correctness and truthfulness of his interpretation of that answer. Mr. Hoover has since left the profession of law and gone into the more lucrative business of banking. On account of the unjust criticism sometimes made on my own hand-manual, I feel inclined to treat him kindly.

"There may be a dash of the *ego* in the following reminiscences, but it will be seen that I was but the

incident or subordinate actor, or more the victim, than otherwise.

"While the Third was my Judicial District, I was ordered by the Legislature of 1869 and 1870 to hold Court in the Second as well. The docket at Vancouver, for various causes not necessary for me to mention, had become very much clogged. There were over two hundred cases, civil and criminal, awaiting trial. The Legislature gave me six weeks to clear up that Docket. I went to Vancouver a little out of humor from the imposition of double duties, but with the determination to accomplish the task within the alloted time, if continued and sharp work would do it. I made myself something of a judicial tyrant during that term. I ran Court from eight o'clock in the morning, with evening sessions often extending until twelve o'clock at night. Motions and demurrers were read, and I heard only the party against whom I was inclined to rule on the reading. I took nothing under advisement. I limited the time of address to juries, adjusting the time according to the importance of the case and the character of the rights involved. The local and visiting Bar showed their appreciation of the situation and wasted no needless time in the direct, or cross-examination of witnesses. We finished up our work on the last day of the alloted time, and of all that mass of cases heard and finally determined at that time, not one was taken to the Supreme Court.

"Quite a number of amusing incidents occured that tended to relieve the monotony and lighten the burden of our labors. By your permission, I will relate one.

"A man had been indicted for a grievious assault and battery. The alleged place of the assault was in the woods near the northern limits of the town. The

second witness for the prosecution was a school teacher from Washougal. He was a tall and lank man, with high cheek bones, sunken cheek and eyes, and sandy hair. He had about him an air of conscious superiority. After he had been sworn, he advanced to the witness-stand which was directly to my right. Before he took his seat, however, he courteously bowed to me and, with a dignified waive of his hand, saluted the Court. The following was his description of the assault and battery:

" 'The prosecuting witness was sitting calmly and sedately on a log, when the prisoner approached with stealthy yet intrepid, steps, until he approximated in close proximity to his person, sir'—The Court interrupted: 'If you can get along without making a stump speech, we will be very much obliged to you.' 'Thank your Honor,' he responded. 'Proceed,' said the Court. 'As I was remarking, the prosecuting witness was sitting calmly and sedately on a log, when the prisoner approached with stealthy, yet intrepid, steps, until he approximated in close proximity to his person, sir, when he reached forth his digits and fastened them in the capillary filaments of the prosecutor's head, and then, with a tremendous jerk, laid him prone and prostrate on the ground; then he lifted his heel high in air and sent it with such force and violence into the countenance of the prosecutor that it has left an impression indelible to this day, sir.' 'That will do,' said the Court; 'You can go.' He arose with a courteous bow to the Court and a wave of his right hand towards the Bar, said: 'Thank your Honor for releasing me from the impertinence of these attorneys.' And he proudly walked out of that court house. The Court surrendered

its dignity for a time and joined in the storm of laughter.

"Pierce County, now a model of intellectual and moral progress, with a thrifty, energetic and law-abiding population, was, in early Territorial days, a hotbed of local feuds frequently resulting in homicide. She had no Tacoma, then, to control the spirit of lawlessness and to teach her citizens that life's truer conflicts are different, and nobler. This County was in the Third Judicial District, over whose Courts I had the honor to preside for six years. At one of these terms of Court a man of the name of Walker was indicted for the murder of his nearest neighbor. Walker and his said neighbor were both unmarried and lived in cabins not far apart. Both were stock-raisers, and both were well advanced in years. No one saw the killing and it was, therefore, a case of circumstantial evidence.

"The body of the neighbor, when found, lay near a gate that entered Walker's pasture-field, and the right side, from the shoulder down to a point opposite to the navel, was perforated with shot. I will not attempt to state the circumstances on which the prosecution relied; suffice it to say, they pointed with a good deal of force to the guilt of the accused; but I will not say, in opposition to the verdict of the jury that they excluded every hypothesis of innocence. The prisoner was ably defended by Judge Wyche, James McNaught, Irving Ballard and Gov. Wallace. The Honorable C. M. Bradshaw was the prosecuting attorney, and he was ably assisted by the Hon. Frank Clark. The trial occupied the attention of the Court for four days. On the second day of the trial, a lady tastefully dressed, but closely veiled, entered the Court with the prisoner's counsel, and, when the prisoner came, took a seat by

his side. She was evidently a stranger, and 'who is she?' was on the lips of everyone. At the noon recess it was learned that she was the daughter of the prisoner. Day by day she appeared, took her accustomed seat, and remained a silent and mournful listener to the damaging testimony given against her father. At noon of the fourth day I thought the testimony was all in. At the call of the Court after recess I was somewhat astonished by the announcement of Judge Wyche that he wished to put one more witness on the stand. I was still more suprised when he asked, this daughter, to take the witness-stand. She moved across the room in front of the large audience in a dignified and graceful manner, her face still veiled. Before she was sworn, Judge Wyche requested her to remove her veil, and she did so, revealing a countenance beautiful, intelligent and sorrowful. Judge Wyche asked her to state her age. She answered, twenty-four. Ques. 'What relation are you if any, to the prisoner?' 'He is my father.' Ques. 'Before you came here, how long had it been since you last saw your father?' Ans. 'About fifteen years.' Ques. 'Are you married?' Ans. 'I am.' Ques. 'What is the object of your visit here?' This question was objected to, but I let it go in. 'I came,' she said, 'to persuade my aged father to go back and live with me in my eastern home, so that I could smooth his pathway to the tomb with a daughter's love and affection; but to my sorrow and astonishment, when I arrived I found him on trial for his life.' She was about to proceed, but the Court stopped her. Then Judge Wyche said: 'I want to ask you one more question. I presume that it will be objected to and you need not answer until the Court permits you to do so. Taking into consideration all that you have stated

and all that you may know in the past, as well as in the present, of your father, what is your opinion of his sanity?' 'We object,' came quick and sharp from Mr. Clark; but, as he did not arise to argue the objection, Judge Wyche made a clear and cogent argument in favor of the admisability of the testimony, admitting that the authorities were in conflict, but claiming that the better reason was in favor of its admission. In conclusion, he repeated the testimony of the witness and drew a brief but pathetic picture of her melancholly condition. His emotion seemed to intensify as he proceeded, until they became to great for utterance, and he resumed his seat amid the profound silence of the court-room.

"Frank Clark, who had watched this performance with the keen eye of an connoisseur, immediately arose to reply. He did not waste much time on the legal proposition, but addressed himself to the concluding portion of Judge Wyche's argument. He said the learned counsel for the defendant, had drawn a pathetic and melancholly picture; then with a voice trembling with seeming emotion, he asked: 'Did the learned counsel say anything about the poor, lone man who fell on yonder plain, pierced by many cruel shots, with no daughter near to receive his last blessing or to close his eyes, fast glazing in death?' Seemingly overcome with emotion, he resumed his seat, but no sooner had he done so than he put his hand to the corner of his mouth and said to the prosecuting attorney, in a stage whisper, distinctly audible in most of the room: 'I guess they did not beat us much in that game.'

"All of the older members of Bar in Western Washington were acquainted with I. M. Hall. He was probate Judge of King County for two terms, and for

one term its auditor. He possessed what Bishop called 'a legal mind.' While he was well read in the elements of the law, after his admission to the Bar he had very little use for books other than Statutes, Blackstone's Commentaries and Kent's Lectures. His knowledge of Statutory law was comprehensive and wonderfully accurate, both in a historical and constructive sense. He often said that we were too much inclined to go far from home for our law; that we were fond of legal exotics. While reports were useful, their abuse was greater than their proper use. He claimed that their use had changed the members of the legal profession from a body of original and stalwart thinkers, to a body of sickly book-worms. Their inquiry was not, what was the reason of the thing, but what had some Court said?

"It was a frequent saying of his that the principal difficulty that he met with in the practice of the law was to get the Court to see the law as it was; a difficulty that many of us, no doubt, have thought at times obstructed our success; but which, with that modesty and discretion so characteristic of the profession, we have failed to voice.

"Mr. Hall was the acknowledged wit of the Bar of Western Washington. I might give many instances of his ability as a wit, but one must suffice.

"It was the last day of a term of Court at Port Townsend. My practice was to read over the docket on the last day of Court in the presence of the attorneys, so that I could correct on my docket any omissions or mistakes. I was about to adjourn Court when Mr. Hall said he desired to have a demurrer heard. I told him to proceed. He made a brief yet clear and plausable argument in favor of the demurrer. It involved a point

of statutory construction. When he had concluded, the opposing counsel rose to reply. I told him that I did not desire to hear him; that the point presented so ably by Mr. Hall was not new to me; that my mind was against the construction contended for, and that I would have to overrule the demurrer. Mr. Hall, who had arisen to his feet, and who was manifestly a little disappointed at the ruling of the Court, said that he would like to have an exception. I said: 'The Court will grant you an exception with pleasure; but,' I said, 'this very question has been up before my Brother Greene and my Brother Lewis, and we all agree in our views; now, you know that we three constitute the Supreme Court, and, while I give you the exception with the greatest pleasure, I fear you will not make much by it.' He stood in a reflective attitude for a moment, then said: 'May it please your Honor, I believe I will take the benefit of the exception, anyhow, for the tenure of office is very uncertain in this Territory.'

"I have heard the incident related with this sequel, that he took the case to the Supreme Court, that the Judges mentioned were all off the Bench, and the demurrer was sustained. I cannot vouch for the correctness of this sequel, however.

"Now, Mr. President and brothers, I owe you an apology for detaining you so long with this unsubstantial matter, this unwritten poetry of the profession. I am inclined to believe, however that the actual intellectual and moral tone of a given period, as well as the social status, has no truer index than its current anecdotes. Every new and formative community is marked with distinctive individualities. In the onward sweep of development and civilization, and in the largeness of population, individuality becomes fused

in the general mass, and loses its salient characteristics."

From an address before the same Association at its annual meeting in Ellensburg in 1902 I cull these extracts.

"Mr. Chairman:

"When I came to this city I was sent for by the President of this Association and informed that Mr. Caton, on account of sickness in his family, could not be present on this occasion; and he asked the privilege of substituting my name for that of Mr. Caton. At first I objected. But you who are acquainted with the persuasive eloquence of the President of this Association can readily come to the conclusion that I finally consented. In the words of one of Lord Byron's heroes, "Much I strove and much repented, And saying, I will ne'er consent—consented."

"The particular point to which I desire to direct your attention is the pioneer lawyer. I think I know something about his characteristics. In the first place he was a good fighter. His surroundings gave him inspiration in that direction. His environments were of the militant order. He was not only a good fighter, but he was a loyal fighter, and I must say from experience that he was a persistent fighter, for, after the judicial umpire had counted him out, and called the next bout, he wanted to fight on still. In the next place, he was a good reasoner, and I want to emphasize this point. He was so of necessity. He had no Reports. He had to rely on his remembrance of general principles; and he learned to reason from those general principles to his conclusions; and his success at the Bar depended upon the clearness of his statements and

the cogency and force of his logic. The question with him was, what is the law? And he ascertained what the law was by reasoning from the general principles which he remembered, to the conclusion which he desired. If an attorney now-a-days is asked what is the law, I am afraid that it is too often the case, to use the eloquent language of the Supreme Court of this State, he seeks to find a case 'On all-fours.' He doesn't make any inquiry. He doesn't exercise his reasoning powers at all; he goes into the library and hunts after a case 'on all-fours' with the facts of the case he has presented to him. The learned and honored Judge C. H. Hanford, who has just so excellently addressed you, has stated that the law is not an exact science. I do not know but what I differ from the speaker in this regard. Every profession has connected with it two things: a science, and an art. The science consists of the principles upon which that art rests. Now I, as a lawyer, am prepared to maintain that the science of the law is just as accurate, just as complete, and just as reliable as any other science. As has been said, law in its practical operations is the application of principles to a certain condition of facts. There comes in the art. Where different judges differ, it isn't in the science of the law, it is in the art connected with that science.

"Now I am wandering a little. However, I was trying to show that pioneer lawyers were forced to do their own reasoning, to rely upon their own intellectual powers. Such, I understand, was the school in which Lincoln graduated; and such, I am happy to say, was the school in which the Honorable United States District Judge of this State (Judge Hanford) graduated. (Applause.) And he has shown today, in the fine address which he has read, that he had good train-

ing in that school, and that he early learned to do his own thinking and to arrive at sound conclusions. I know all about him. I knew him before he was a lawyer. I knew him while he was studying his profession. I knew also that there were very few books that he could command at that time. I think it is a good thing. I would say that a lawyer, a young man, should never be permitted to see a Report until he has practiced at the Bar for at least six or seven years. Then he would learn to do his own thinking and reason from the principles laid down in the fundamental works upon the science of the law. I have spent too much time upon that point, however.

"The pioneer lawyer as I knew him had a strong sense of humor about him. He had a strong sense of the ludicrous about him. Circumstances contributed a great deal to the development of that sense in him. In early days there was no such thing as conventional usages. Every fellow had his own fashion and followed his own will. I remember a little incident connected with what I have just stated. When James McNaught, whom you all know, and who subsequently became attorney for one of the largest railroad corporations in the country, the Northern Pacific Railroad Company, first came to this Territory, he was inclined to be a little 'dudish' in his dress. The first place he landed was at Port Townsend. He had a stove-pipe hat on his head—he was near sighted, and with his spectacles across his nose—went out to view the town, and, as is customary with people whose sight is thus affected, he always looked upward; and he was looking upward in Port Townsend as though he expected to gather a glimpse of the golden wings of a flock of angels hanging over that spiritual town. Well, everybody noticed

it. He was the observed of all observers. The next time the paper at Port Townsend came out it was with the heading, "Ecce Homo," "behold the Man," and it gave a ludicrous description of that young attorney and his resplendent ability, notwithstanding his dude hat. Everybody read it. It was a fine introduction.

"When he came to Seattle the boys ran out to him taking him to be the advance-agent of some show, and said to him, "Mr. when is your show going to be along?" "What is it?" "Has it got animals in it or not?" After that Mr. McNaught relapsed back into the barbarous habits that existed on the Sound at the time. There was more freedom between the Court and the Bar at that time than there is at the present time, more sociability. Now the Court comes in at a certain time from his back-room connected with the Court House, where he has disappeared and shut himself up until the bailiff announces his coming, whereupon—I am speaking now of Seattle—everybody arises and gently bows, and the Judge takes his seat and is prepared with his judicial thunder."

For twenty years I have served as President of the King County Bar Association. From January, 1897, to January, 1901, I served as Judge of the Superior Court of the State for King County. Although an octogenarian, I am still in the harness as an Attorney and Counsellor at Law.

I have now completed a general survey of my not uneventful life. I have written and collated it in my eighty-first year.

In conclusion a brief retrospect limited to our Country and Nation, may be allowable. Looking backward from a standpoint of review covering eighty

years and more, and comparing the condition of the world with what it was on the second day of May, 1827—the day of my birth—with what it is now—I am greatly impressed with the fact that in intellectual and moral growth, in the advance of civilization, in material progress and human amelioration, as well as in increase of population and in the volume of business and in glorified inventive triumphs—as well as in religious beliefs, as shown in the substitution of *love* for *fear* as the true basis of obedience to God and His laws—the world has moved and is still moving forward to a higher and nobler plane of civilization.

Steam, whose latent energies were then but little known, under the exploitations of science and inventive genius, became, and continues to be the chief motive power of the world. Electricity alone now disputes its dominion. While the light of ages comes streaming down the pathway of history, it illumes the present and enlarges the scope of human knowledge, yet it gives no prophetic insight, hence, which will be the final victor is unseen. The potential energy and force which practically annihilates time and space by its fiery messages sent through the air or ocean westward, in advance of mechanical time and becomes the common and instant transmitter of intelligence—is fast developing into a motive force the full extent of whose tremendous power is as yet unknown.

It may equal, if not excel steam power and thus become the motive force of the world.

During the time covered by this brief retrospect, Mexico has felt the conquering power of the soldiers of the model Republic, its roll call has been heard in the Halls of the Montezumas—the northern boundary of Mexico has been deliminated, with territorial con-

cessions to our Government—Texas released from the dominion of Mexico and made an integral part of the Union by annexation and subsequent admission as a state. The War of the Rebellion which threatened the territorial integrity and rightful authority of the Union after a heroic conflict—has been suppressed—peace and harmony have been restored and slavery, the irritating cause removed, by emancipation—and the Union today stands on a firmer, broader, and more enduring basis than ever before.

Peace has her victories no less renowned than war's. The silent influence of our institutions has secured the annexation of the Hawaiian Islands—the gem of the Pacific and the outward bulwark of the Pacific States.

The war with Spain, occasioned by her treachery, and inspired by the desire to release the Cuban people from the rapacity and cruelty of her Spanish tyrant —resulted in the heroic and somewhat romantic naval battle of Manila Bay—the capture of the Philippine Archipeligo—and the expulsion of Spain from that group of Islands.

Eighty years ago the settlements with a few exceptions scarcely impinged on the eastern shore of the Mississippi River. Since that time they have crossed that mighty flow of waters—spread out over the fertile plain to the eastern base of the Rocky Mountains, and in after years they have extended over the mountains and here, in the sunny clime and fruitful valleys and balmy and healthful breezes of the Pacific Coast, the hardy pioneer has found a final home.

What a territorial basis for development—progress —empire! Already several millions of hardy, enter-

prising and patriotic freemen are scattered over this vast domain, and westward millions more are taking and will take their way in addition to the millions to the manor born. With the constantly increasing and controlling power of the forces generated in the past, and, now successfully at work in the world and which will no doubt increase in number and in the grandeur of their results during the next eighty years—who can measure the coming power or comprehend the glory of the model Republic?

Pioneers, Washington, with all her grand resources —developed and yet to be developed—won by your privations, courage and patriotism, is your gift to the Union, to be consecrated to liberty, regulated by law, forever.